Crime in the Suites *Ralph Nader and Mark Green*

THE NEW REPUBLIC

A Journal of Politics and the Arts—April 29, 1972, 50 cents

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Moving Out The Midgets

A man who thought in 1965 that Lyndon Johnson wasn't bombing the North enough, that US planes and warships should strike "day by day, and for that matter, night by night" to prevent the war's being lost to "imperialist Communism"—was not a good bet to get us out of Vietnam. Still, circumstances sometimes alter opinions, and that man, Richard Nixon, later said that he had a plan for peace. On October 9, 1968, he wanted to "make one thing clear: Those who have had a chance for four years and could not produce peace should not be given another chance. We will take that chance. . . . I'm proud to have served in an administration that ended one war and kept the nation out of other wars for eight years. That's what we're going to do if you give us the chance." In 1968, the will to believe was strong, though Nixon's performance warranty was weak. Some worried voters were reassured by the Republican candidate's known, astute regard for his own political survival; he *would not lie down on the tracks of history, as Lyndon had, and let the engines of war cut him in two. Moreover in 1968 the judgment and moral credibility of his opponent, Mr. Humphrey, were damaged if not demolished by submissiveness to his commander-in-chief. So . . .*

(Continued on page 7)

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TRB

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Where Power Resides

If the events of the past week in Vietnam prove nothing else, they prove that power means authority for the executive branch, and there's nothing much Congress can do about it.

It wasn't intended that way by the founding fathers, who remembered all too well how the Stuart kings had used military power to get the nation in trouble. But forget all those restrictions about how Congress was supposed to declare war and raise armies and navies. If President Nixon wants to bomb North Vietnam or assemble an armada in the Gulf of Tonkin, then just pass down the orders to the Pentagon and the heck with what Congress thinks.

It's been a hard lesson for the Senate to swallow. It spent a week debating and passing a bill that is supposed to restrict the President's war powers and make him come back to Congress for approval of any sustained hostilities. The way Senator Javits, its principal author, described it, the bill was the most momentous piece of national security legislation of the century. But you would never have known it from the lackadaisical debate.

No wonder few senators came to listen or speak. The debate seemed so irrelevant to the events of the day. There was the President exercising the war powers in the very manner that worried the senators by sending B-52s to Indochina and carriers to Tonkin Gulf. But nary a word of protest, even mention of the fact from the senators. The subject of Vietnam was *verboten* because that was part of the compromise to get Senator Stennis of the Armed Services Committee to support the bill. His conservative endorsement was essential if the bill was to pass, and Senator Stennis had laid down the condition that the legislation should not apply to Vietnam.

Senator Gravel momentarily upset the pact of silence by offering an amendment to declare war on North Vietnam. Not that he favored a declaration of war; he just wanted the Senate to face up to the issue. The consternation was one of the few lively moments of the debate. Fortunately for the bill's sponsors the amendment came from a senator who has been a flamboyant outcast from the club ever since he held a midnight meeting to read the Pentagon Papers. But still he pointed up the powerlessness of the Senate. Nobody wanted to declare war, most wanted to end the war, but it boiled down to a case of either declare war or do nothing and let the President go on escalating the air war. The only solution was to table the Gravel amendment.

Then, as could have been predicted, the bombs started dropping on Hanoi and Haiphong. The reaction of most of the Senate doves was to flock for cover. Far be it from them to question the judgment of the commander-in-chief when the nation was caught up in a great battle, even if the President was fighting the battle in a way that could lead to a prolongation, if not expansion of the war. Senator Cooper went so far as to compare it all to the Battle of the Bulge, thus conveniently overlooking the fact that at least World War II was declared by Congress. Coming from Senator Cooper, that was all the more perplexing because it was he who advanced the interesting argument that with the repeal of the Tonkin Gulf resolution, the President's only authority as commander-in-chief was to protect American troops against imminent danger as they are withdrawn. It is stretching that justification to the breaking point to make it include the bombing of Hanoi and Haiphong.

Even in personal encounters with the administration's representatives the senators proved powerless. Secretary of State Rogers put off the Foreign Relations Committee with phrases that sounded like the liturgy of Dean Rusk, and left the hearing room unscathed. As for Defense Secretary Laird, he long ago learned that the best way to keep a congressional committee at bay is to keep on talking so they can't ask questions. All Senator Fulbright could do was ruminate, like a cow regurgitating its cud, and never get off a direct question. The aging Senator Aiken was caught up with an obsession about that Communist "bloodbath" myth. Senator Church apparently had more important business elsewhere. As for Senator Muskie—well, he decided to play golf when Secretary Rogers appeared.

Perhaps the problem is that the senators, for all their brave talk about congressional prerogatives, really do not like or want responsibilities. To assert congressional prerogatives against the executive branch means work, and if there is one thing that most senators don't like it is work.

The senators avoid the issues when they can, as the Foreign Relations Committee neatly did on Vietnam. As if to redeem itself after the humiliation at the hands of Mr. Rogers, the committee approved an amendment cutting off funds for all American hostilities in Indochina after the end of the year. That seemed a brave exercise of Congress' ultimate power over the purse strings. But the amendment contained loopholes big enough to drive through all the Vietnamization program plus all the American troops the President wants.

Maybe it all boils down to the proposition that it is too much to expect Congress to stand up to the power that has accumulated—largely by congressional default—in the executive branch. Still there are a few beams of hope, coming not from all the vocal liberals but from such conservative stalwarts as Senators Stennis and Ervin.

More than most of his colleagues, Sam Ervin seems to understand that one way the executive branch is neutralizing Congress is by withholding information under an ever broadening claim of executive privilege. Sam for one was willing to challenge the executive branch by threatening to block the Kleindienst nomination unless the White House produced staff member Peter Flanigan. A small blow for Congressional independence perhaps, but symbolically important if it encourages others in Congress to get on their high horse and tilt with the White House.

The education—or reeducation—of establishmentarian John Stennis is one of the important, unfolding stories of the Senate. Right out on the Senate floor for all to see and hear, he is casting aside the notion that just because we live in a nuclear age, the President must be granted all kinds of war powers. It is he who cut through all the constitutional legalisms to make the point that if people are to support future wars, then they must have some check through Congress on the President's powers to commit the nation to war. With Stennis feeling this way, perhaps there's still hope for the awakening of the rest of the Senate.

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Moving Out The Midgets

Mr. Nixon was given his chance, and here we are four years later, with B-52s bombing the North, with five thousand US troops taken out of Vietnam and in the same week 16,000 US naval and air force personnel put in, and with an outnumbered and relatively underequipped "enemy" moving on targets throughout the South. He is too little praised for it, but belatedly let us honor the wisdom of George Romney, who long ago said that the public had been brainwashed, and that Richard Nixon offered "no more than a blurred carbon copy of the discredited Johnson policies."

Reading the news of the past two weeks has been a dizzying, sickening experience. It is as if one were trapped in a revolving door from which there is no escape. Round and round we go to the same tunes: South Vietnam is a sovereign state; it has been invaded; we must put down aggression; there will be a blood bath if we don't, etc., etc. The only new refrain is that we are compelled to do what we are doing because the Russians are doing what they are doing, and that is the silliest of them all. In January 1964, Soviet premier Khrushchev suggested that reunification of Vietnam "should be settled . . . without foreign military intervention." By that date, however, the US had already invested heavily in dollars, weapons, advisers and troops. By March 1965, when Moscow and Hanoi ratified a mutual defense agreement and *Tass* announced that the Soviet Union would take steps to bolster North Vietnam's security against "the armed piracy of US imperialism," the US had appropriated major responsibility for the prosecution of Saigon's war, and within a few weeks there were in the South, according to Under Secretary of Defense Cyrus Vance, 230,000 Americans plus nearly a half million South Vietnamese troops, opposing 75,000 "enemy" troops in 111 North Vietnamese and Vietcong battalions. No Russian soldiers, no Russian bombers—then or now. And not until June of 1965 did Washington detect any Soviet-type anti-aircraft missles, at which point it reported two in place and two close to completion in the Hanoi-Haiphong area, none of them "fully operational," said Dean Rusk. *The Washington Post* last week, noting Secretary Laird's statement that "80 percent of the equipment being used in this particular

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conflict continues to be supplied by the Soviet," reminded its readers that "it's 80 percent of not much: all Soviet aid to North Vietnam last year was valued at only $415 million by the administration. More important, 100 percent of the men and motivation continues to be supplied by North Vietnam itself—a level of 'Vietnamization' surpassing any which even the administration's firmest supporters believe to be within the reach of Saigon, and a level which virtually insures that there will be another Hanoi offensive, regardless of how this one comes out."

It hardly seems possible, but it is seven years since General Maxwell Taylor told us that air strikes against the North had produced "a clear lift in morale" and that "things are turning for the better"; seven years since McGeorge Bundy said that because of US troops and the "decision to use airpower, jet airpower and strategic bombers . . . the prospect of military collapse . . . has disappeared"; six years since Under Secretary of State George Ball prophesied that the bombing of fuel depots in the North "should speed the move to the conference table." Ball was referring to the petroleum installations in and around Hanoi and Haiphong, which were hit again this month.

The American public has had enough; the GIs have had enough; the six million refugees (one-third of Vietnam's population) have had enough. But the knee-jerk anti-Communists have not and forever urge us on to a victory that is not ours to win. The self-righteousness of these ideologues—in the White House, Congress and the press—is bottomless. It takes an extraordinary depth of moral arrogance to still believe—all the tragic evidence to the contrary—that it would be catastrophic were the Vietnamese themselves allowed to settle their conflict.

Mr. Nixon flubbed his chance, and whatever the wizard in the White House may next promise or threaten, we see little hope for a return to sanity until he is replaced. The Democrats at the moment are in a poor position to beat him, whatever his failures, for they are badly, perhaps hopelessly divided. Yet they have two active candidates, McGovern and Muskie, whose experience, social awareness and unambiguous advocacy of total disengagement qualify them for leadership. We are not, as the Rev. Theodore Hesburgh of Notre Dame claims, "living in an age of midgets." It only seems so because we are led by midgets. There *are* politicians of stature. What they lack is power, and that's what the voters can give them in November. There are six months in which to organize the electoral overthrow of the war factions in both parties. The midgets can be moved out and leaders chosen who will turn away from Vietnamization and toward the pacification of America. As an added bonus, we shall also have an end to Agnew who thinks that what we've done in Vietnam is "the most moral act that the United States ever performed as a citizen of the world community."

Our Man in Pretoria

It's no secret that the administration is considering sending a black American diplomat to South Africa—a decision previous Presidents discussed and put off. The notion would be to insert an ultra-tactful second secretary in otherwise all-white ranks, to be produced at cocktail parties. Whether it's worth the poor fellow's discomforts—getting protocol to call theaters and restaurants in advance, making even his children carry diplomatic-immunity papers—merely to prove that the US practices tokenism, is open to some doubt.

But sending a black *ambassador* to Pretoria would prove something else—that racism is on the wane. South Africa could hardly object, since the appointment would be recognition of what it so earnestly insists it is doing—raising black opportunities, "dialoguing" with black Africa. Unlike a second secretary, an ambassador would lead a more sheltered existence in any case: without having to be asked, Pretoria's protocol department would go to great lengths to avoid any embarrassment for the President's personal representative. Its task would be helped by the fact that newspapers would make his face the best known diplomatic visage in the city. And after all, few people risk rebuff anywhere when they turn up in a Cadillac with a flag on the front fenders.

The candidate for this initial, precedent-setting appointment ought to be of exclusively, or almost exclusively African descent (and not, like most black Americans, of mixed European and African descent) so as to be identified, in black and white South African eyes, with the "Bantu" majority—not with the slightly less persecuted, separately segregated, Eurafrican "Coloreds."

One possible candidate is Jerome Holland, who headed Delaware State College and Hampton Institute before becoming envoy to Sweden last year. But he is not due for reassignment for a year or so—and after Stockholm, Pretoria is no promotion. Rudolph Aggrey, a senior aide to David Newsom, assistant secretary of state for African affairs, has enough rank, and has the added advantage of being the son of an African—a noted Gold Coast educator who married a black American. Another candidate is former publisher Beverly Carter, also in Newsom's office; still another is Sam Westerfield, present ambassador to Liberia. Westerfield transferred from Treasury to the State Department in 1961 and was a deputy assistant secretary of state before going to Monrovia in 1969. At State, he specialized in economic affairs, a useful background for an embassy like Pretoria which is almost exclusively concerned with economic relations.

The present US ambassador, Texas businessman John G. Hurd, was criticized in the South African English-language press last year for replacing the traditional fourth of July party by two segregated affairs. There'd be no fear of a black ambassador's doing that.

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Network Time

For about 20 years the Federal Communications Commission has been trying to establish rules that would encourage if not compel the television networks to become less drearily predictable in their judgment of what the public wants to see. A few years ago the commission considered a proposal known as the "50-50 rule" that would require the networks to devote at least half of their air time to programs in which they had no financial interest or producer's rights. In the end, the idea was abandoned. Instead, the FCC in 1970, after consulting with the Justice Department, came out with a "prime-time access rule" which is still waiting to be fully enforced. Under it, networks were forced to cut back their nightly prime time "feed" from three-and-a-half to three hours. They also were forbidden to syndicate, or have any financial interest in TV shows after their initial broadcast. Because this meant the networks couldn't garner long-range profits, the rule discouraged them somewhat from buying production rights to entertainment programs. The FCC action was meant to make it easier for non-network interests to get a slice of prime time.

The Justice Department takes this logic a step further in the antitrust suit it filed on April 14 against the three networks and Viacom, a former subsidiary of CBS. The suit is designed to break the remaining financial links between networks and TV entertainment producers, by forbidding networks from having any proprietary control over any programs, except those classified as "sports" or "news." Although the legal briefs don't say so, implicit in the Justice Department's reasoning is the inherited FCC notion that economic competition and "editorial" independence will encourage a bolder and more experimental product. For publication, the Justice Department says that its motives are purely economic—to break the networks' financial grip without relieving them of their responsibilities under the FCC code.

TV executives grumble that programming will be set back 20 years by the lawsuit because ABC, NBC and CBS will lose editorial control: professional judgment will be overruled by individual interests, ratings will plummet, advertising decline, and the whole industry will fall into a bog of incompetence. They base their fears on the principle behind the government's case that any man should be allowed to buy air time if he pays the price and meets standards of good taste. The networks say they will be forced to sell their time in chunks to advertising and filmmaking companies, and these outsiders, not the networks, will then make the important decisions about what goes on the air, and when. They imply that independent producers will have worse judgment than the networks, and will be stubborn about what they want.

There's no reason to believe this would happen. Nor is there reason to believe that if the antitrust suit succeeds there will be any great change in prime-time programming. As the networks themselves state, advertisers are cautious; they like to scatter their commercials across the time slots and different types of shows. Deferring to the judgment of network schedule-makers, they commit big sums only to programs with an established audience. It costs between $100,000 and $150,000 just to buy the time for a half-hour evening TV show, and no one is willing to spend that sort of money on frivolous experiments or shows that don't rank high on the Nielson scale. Independent producers will ignore the networks' advice only when they're sure they can collect more consumer-viewers on their own.

The most interesting question is why the Justice Department decided to bring suit against the networks 20 years after the plan was first considered and, according to some reports, a year and a half after the legal complaints were drawn up. There has been no convincing answer. A CBS spokesman calls the case "recklessly conceived and based upon old material, the freshest of which is five years old." That's true; the facts in the complaints are out of date (the Justice Department says they're the most recent available), and the argument is unusually brief and sketchy for a suit of this significance. It has been suggested that because of the bad publicity created by dropping the ITT antitrust suit, the government decided it ought to resurrect the case against the TV networks and finish what was started long ago. Or for those probing for motives there's always Spiro Agnew's Des Moines speech of 1969, an open challenge to the TV news commentators and network executives, whom he berated for "provincialism" and called a "tiny and closed fraternity of privileged men, elected by no one and enjoying a monopoly sanctioned and licensed by government."

Prodding the Corporations

Spring is the season for stockholder meetings, usually dull affairs attended by perhaps 100,000 stockholders out of 31 million in the country, and disturbed only by queries from middle-aged ladies in flowered hats about director pay and print size of footnotes in the annual report. But at almost 40 meetings this year, something new will be in the wind. More than a dozen social activist groups, each clutching a few stock shares to gain legal entry, will pepper management with questions about equal employment, operations in South Africa, military contracts, minority and woman representation on boards of directors and environmental concern.

The Project on Corporate Responsibility, more commonly called Campaign GM, will attend the General Motors meeting for the third year trying to expand the

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influence of GM's new public policy committee (which consists of five directors who are not GM officials) and to get GM to name a new committee to study whether stockholder interests would be better served if the world's largest industrial concern were divided into two or more separate companies. Campaign GM reasons that fear of government antitrust action now prevents GM from increasing its share of the auto market, but a fissured GM would be under no such constraint. The Campaign GM people also will be before Ford, Chrysler and American Telephone & Telegraph to ask that their boards be changed to include women, minorities and representatives of consumer and employee groups. Campaign GM also wants Ford and Chrysler to disclose more fully what they're doing in safety, pollution control and minority hiring. Campaign GM also will approach six drug manufacturers with the proposal that they label products sold abroad with the same warnings required by the Food and Drug Administration in this country and that the firms commission a study into the connection, if any, between their advertising and the growth of our pill-popping culture.

Four Protestant church groups, led by the Episcopalians, will ask GM, International Business Machines, Goodyear Tire & Rubber, Mobil Oil and Gulf Oil for detailed reports on corporate operations in South Africa. In Minneapolis, the Council for Corporate Review (founded two years ago by Charles Pillsbury, a grandson of the founder of Pillsbury Co.) is pressing Honeywell, FMC Corp., Sperry Rand, Control Data and Donovan Cos. to convert defense business into civilian work.

Yale University this month decided to shed its passivity about the affairs of corporations in which it owns shares and begin to vote its institutional conscience at stockholders' meetings. Yale's endowment runs to $500 million, much of it invested in common stocks of such corporations as Gulf Oil, Warner-Lambert (pharmaceuticals), Kennecott Copper and Southern California Edison. Like other schools, Yale had refused to take stands on corporate responsibility issues on the grounds that it wanted to avoid politicizing the university and compromising academic freedom. Now, inspired by the work of a Yale seminar (published this month as a book called *The Ethical Investor*), the University intends to become a participant stockholder, voting not only on strictly financial questions but social ones as well. The step is halting, experimental and subject to change: Yale won't initiate attacks on corporate racism, war and environmental degradation but it will use its vote, when it has the opportunity, to oppose corporate behavior it thinks damaging to health, safety and basic freedom. The tone of Yale's announcement disappointed perfervid critics of corporations but it's nevertheless an important departure for a university which other institutional investors will likely emulate.

The Georges

Can either George do it? That question demands more and more attention as the soft middle of the Democratic Party gives way in state after state before the assault of two men representing opposite wings of the party, both of whom appeal to the pervasive feeling of fed-upness. In May delegates will be chosen in Alabama, Indiana, Tennessee, Texas, North Carolina, West Virginia, Maryland and Michigan. One of the Georges —Wallace—is going to harvest quite a crop. It is now within the realm of possibility that he may turn up in Miami Beach with nearer 500 than 250 delegates. (It takes 1509 votes to be nominated.)

That prospect is casting a pall over what, for want of a better term, is called the "liberal establishment"—the kind of people who attended the Jefferson-Jackson Day dinner in Detroit two weeks ago. They've tried to move the country ahead, they're practical reformers, and they now discover their support of candidates such as Muskie carries little weight with the rank-and-file for whom they have thought they were speaking. So they ask themselves: who can pull it all together? They have no ready answer.

From Philadelphia to Gary and north to Detroit, across that broad expanse of the industrial heartland, the word is that voters in unexpected numbers are flocking not to the support of establishment-preferred candidates, but to one of the Georges. McGovern canvassers spreading out through working-class precincts in Pittsburgh report a considerable percentage of the voters saying "either Wallace or McGovern" or "McGovern or Wallace." They find minimal support for Muskie or Humphrey.

Humphrey and Muskie organizers aren't unaware of this drift, but they may be underestimating its full force because neither Wallace nor McGovern has yet spent much time in states like Pennsylvania and Ohio. Humphrey aides, euphoric over their prospects in Pennsylvania, were freely predicting last week that McGovern will run second there. Next door in Ohio, you can find Muskie backers who predict McGovern will run second to their man in that state. One conclusion seems shared by all: both McGovern and Wallace are making a mistake in not concentrating on Pennsylvania, even though Wallace neglected to get a full slate of delegate candidates on the ballot.

McGovern canvassers are getting some tricky re-

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sponses; old labels are coming unstuck. In Pittsburgh's blue collar districts, they're finding voters who think of McGovern as "conservative." Asked to explain, they say he's "honest" and "forthright." The same canvassers are finding working-class voters who want to know how McGovern stands on the war (!): they want to be sure to vote for someone who's against our involvement in Vietnam. It will come as a shock to a few columnists that a considerable segment of the voters don't see McGovern as a "leftist" or "one issue" candidate. That fact gives him an unexpected chance to broaden his support.

Ardent Wallace fans, however, do not yet see McGovern as a major competitor for working-class votes. At Wallace's Detroit rally, scheduled when party leaders refused to invite him to their Jefferson-Jackson Day dinner, his rooters cat-called McGovern, and Wallace attacked him for wanting "to cut defense spending by $30 billion." Wallace ignored the other candidates.

Is it possible that McGovern is the only Democrat who can successfully raid the Wallace camp? According to newspaper estimates, Wallace drew up to 10,000 screaming Michigan fans at the state fairgrounds, while 3000 of the party elite were dining in Cobo Hall without Wallace because some labor and black groups threatened to picket if he were invited. Can anyone imagine a more harmless place for Wallace than a Jefferson Day dinner? It might be wise to invite him to one every night. McGovern, in contrast, has taken care not to insult Wallace voters by applying a "racist" tag, instead quietly ingratiating himself by talking of the politics of "protest *and* hope."

McGovern isn't that considerate of the party leadership, or the media that for months wrote him off. In Detroit, he said the voters don't want "a quiet coronation of the status quo," that the center is "an empty, decaying void that commands neither confidence nor love." It had led the country into Vietnam, he said, erected "a vast military colossus based on the paychecks of the American worker . . . [that] inflates our economy, picks our pockets and starves other areas of our national life." It was not, he said,"the American workers who designed the Vietnam war or the military giant—it was the establishment wise men at the center with their Ivy League degrees." That has just the proper (and improper) Wallace anti-intellectual ring to it. McGovern is determined to break up if he can the old, ideological pigeonholes. It isn't "left or right" to demand job opportunities, a more responsive government, tax reform, an end to discrimination and pollution and conversion of military waste "to those ends that glorify life."

If early indications are correct, the primaries in the industrial belt could be a disaster for Muskie, and they will raise serious doubts as to the value to Humphrey of organized labor's support. McGovern has the money for a serious effort in Ohio, and Wallace is stumping the length and breadth of Indiana with Humphrey as his only major competition. Michigan will be easier to read once these two rounds are over. At the moment, it can only be said Humphrey's men (who once had power) and Muskie's men (who now have power) have spent too many hours poring over pollsters' figures and too few finding out what's troubling voters. Between them, McGovern and Wallace may collapse the soft center.

Contributions

Two years ago, there was a proliferation of political-action and fund-raising groups among students, academics and young professionals in the aftermath of the Cambodian invasion. An attempt is being made to pull together the remnants under the revived Congressional Action Fund (CAF). CAF was set up in 1970 by Michael Cole, who saw it as a vehicle for soliciting money from young people who aren't normally tapped by fund raisers. In 1970, CAF raised $45,000 from 1500 contributors and channeled it into 21 marginal Senate and House races. A majority of the recipients won. This year, CAF will concentrate on House races with particular attention to those which may be affected by the newly enfranchised youth vote. The goal: $250,000. A board has been assembled which includes Dave Barber, who was chairman of the campus-oriented Coalition for a Responsible Congress in 1970; and Gary Orfield, a Princeton faculty member who founded the Movement for a New Congress the same year. Those interested may contact CAF at 1010 Vermont Ave., NW, Suite 517, Washington, DC 20005.

Alabama

Humphrey has offered to bet Wallace that he'll get a higher percentage of the Alabama delegation than the governor will get of the Michigan delegation. It's not a bad wager. Of Alabama's 37 delegates, 29 will be elected from newly created delegate districts and two will be the national committeeman and woman, neither of them Wallace supporters. These 31 will pick the remaining six. Seven of the 29 districts are predominately black, and a number of others have large concentrations of suburban-black-student anti-Wallace voters. There are over 200 delegate candidates. Runoffs will probably be necessary in many of the districts, and that's when the lines will be sharply drawn. The primary is May 2.

COMING: the case for congressional amnesty by Michael K. Wyatt

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The Nixon Watch

Spring Maneuvers

While the bombers were prowling over North Vietnam and Mr. Nixon was exchanging jollities with the table tennis players from Communist China in the Rose Garden, workmen were busy at the main entrance to the White House on Pennsylvania Avenue. They were beefing up the array of bullet-proof windows, steel panels and electrically controlled slots which minimize the chances that disgruntled citizens might try to blow up the police cubicle at the Northwest Gate. This activity was the only sign of apprehension that the President's escalation of American air and naval warfare in Vietnam might have undesirable and uncontrollable consequences. The conveyed impression was that Mr. Nixon was doing only what he's been saying since 1969 that he'd do if the enemy took advantage of his moves to wind down the Indochina war and that, when it is all over, his conduct of the war and his dealings with Peking and Moscow will be seen to constitute a triumph of presidential judgment and statesmanship.

The ultimate commentary upon the state of the world in 1972 is that the conveyed impression may turn out to be correct. If it does, it will be because the leaders in Hanoi, Peking and Moscow with whom Mr. Nixon is dealing and fencing are as cynical and ruthless in the pursuit of their aims as he is proving himself to be in the pursuit of his aims. In their revulsion against the renewed horrors of American air and naval bombardment that the President has loosed upon both Vietnams, the critics of his policy and actions will do themselves and the cause of peace a disservice if they fail to face and recognize the facts that he faced and manipulated and in part had brought about as of April 20. North Vietnam's military forces, armed by the Soviet Union as they have never before been armed, were fighting in most of South Vietnam at a level and in a fashion that they have never before attempted to sustain. The North Vietnamese and US governments were urging each other to resume open or secret peace talks in Paris and each government was saying to the other that it would do so only on its terms and when free of the military pressure to which each was subjecting the other. Hanoi's principal supporters and suppliers, the Soviet Union and the People's Republic of China, were continuing to welcome Mr. Nixon's moves toward accommodation with them while verbally deploring his escalated attacks upon North Vietnam. The day after the Chinese table tennis team and the President swapped smiles and handshakes at the White House, Premier Chou En-lai was heard on NBC television, praising the Nixon approach to rapprochement with the People's Republic. After the President twice accused the Soviet Union of responsibility for the North Vietnamese attacks upon South Vietnam, and while some people were wondering whether and when the Soviet leaders would cancel their scheduled summit conference with him in Moscow, the Polish ambassador in Washington appeared at the White House and cordially invited Mr. Nixon to visit Warsaw on his way home. After State and Defense Secretaries Rogers and Laird repeated the accusation of Soviet responsibility in abrasive and insulting terms, and the State Department spelled out the charge in a diplomatic note rejecting Moscow's complaint that four Russian ships had been damaged by American bombs and rockets in Haiphong harbor, the advance party preparing the Nixon visit arrived in Moscow and got down to work with Soviet officials.

The crazy pattern of action and response did not justify—nothing could justify—the President's extension of the bombing and shelling from the theaters of close engagement in South Vietnam to the cities and hamlets of North Vietnam and his threat of unlimited bombing short only of nuclear attack. But, in the pragmatic and amoral terms that prevail at the Nixon White House, it did justify and explain the controlling assumption that nothing the President does in Indochina is likely to upset his grand design for accommodation with the pragmatists in Peking and Moscow.

Anonymous leakers at the Pentagon told a *New York Times* reporter that Secretary Laird doubted the wisdom and necessity of bombing Hanoi and Haiphong. James Reston of that journal reported that Henry Kissinger advised the President to cut down the propaganda emphasis upon Soviet aid to Hanoi. If so, the advice was ignored, and both reports smacked of the tendency in this and all administrations for individuals to protect their reputations just in case a risky policy goes wrong. The assumption itself, the details of applying it aside, was pure Kissinger. One of his tenets has been that a Communist invitation to summitry with an American President is evidence that the host government—Peking last February, Moscow in May—considers negotiation at the top to be in its fundamental and compelling interest. Once the invitation has been issued and accepted, Kissinger is known to reason, each party to the pending summitry has at least an equal interest in seeing that nothing is allowed to prevent the consummation. The President and Kissinger, to the extent that he guided the President's course before the Peking meeting, were much more wary in testing the theory then than they are being now with the Moscow government. Then the greatest care was taken that nothing be done or said that could possibly offend the Chinese leadership. The current brinksmanship with Moscow suggests that the Soviet government's interest in bringing off a successful summit with Mr. Nixon is assumed to be so compelling that Brezhnev, Kosygin and their fellows will tolerate almost anything rather than call off the meeting.

John Osborne

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A Black Vice President

"I never shall think that the American people are on the firm, macadamized highway of easy traveling until I see a black Vice President elected on a ticket which he strengthens because he is black." When abolitionist Wendell Phillips uttered that call he could not have foreseen how long it would take a major political party to even consider the possibility. Phillips first raised the issue in May of 1867. He had earlier advocated a constitutional amendment guaranteeing universal suffrage, but he knew that black suffrage alone would not prevent southern whites from regaining hegemony on the state level. "When I see the tacticians of the Republican party," he said, "the practical men, anxious for availability, going up to a Baltimore convention, not, as in 1864, to select a Tennessee drunkard to give strength to their ticket, but going down to some Southern plantation and taking a Frederick Douglass or a Robert Smalls of the black race to strengthen their ticket . . . then I shall consider that the prejudice of the American people is gone."

Phillips did not mention any particular vice presidential candidate, but with the 1868 elections not far ahead, a candidate was soon put forth. In June, 1867 Colonel Charles E. Moss, a white Unionist from Missouri, urged the candidacy of John Mercer Langston, a young black lawyer from Oberlin, Ohio, then traveling through Virginia as an inspector for the Freedmen's Bureau. Although not as widely known as Frederick Douglass or several other black leaders, Langston was not without credentials. Born to a Virginia slaveowner and his mistress, Langston was sent to Ohio at the age of five and later attended Oberlin College, graduating in 1849. In 1854, he was admitted to the Ohio bar, one of the nation's first black lawyers. During the Civil War, he recruited black soldiers and in the summer of 1867 joined the Freedmen's Bureau as a general inspector.

Although Moss considered Langston "well qualified to fill the position of Vice President," Moss's major purpose was not to push the candidacy of the Oberlin lawyer but rather to argue that unless the Republican party nominated black candidates, blacks would turn away from the party of emancipation. Phillips went further: "While men are found so full of prejudice that they think a man should not have office *merely because he is black*, that very fact justifies and demands that we should labor to elect men to office *merely because they are black.*"

Opponents of black suffrage quickly seized upon Phillips' and Moss' statements to support their position that blacks should not even be granted the ballot. *The Nation* first rose to the attack by holding that prejudice against blacks merely reflected the reality of black inferiority; moreover, "the removal of the white prejudice against the Negro depends almost entirely on the Negro himself." *The Detroit Free Press* feared that Phillips' suggestion was catching on among "Negrophilists." *The New York Times* and *The New York Herald* maintained that blacks were not qualified to hold public office (the *Herald* making it clear that whites were not ready for black officeholders, regardless of the capabilities of blacks). Most interesting was the reaction of *The New York World* which held, with Phillips, that if blacks were to vote they should have blacks to vote for. *The World* then turned this position on its head to show that black suffrage would lead automatically to black officeholding, and since that was clearly intolerable, blacks should not be given the vote.

Nevertheless, in late July at the South Carolina Republican state convention, Jonathan J. Wright, a young black lawyer originally from Pennsylvania, introduced a resolution calling for the Republican Party to place a black man on the national ticket. Wright hinted that Langston, "a Western man," would make an ideal candidate. The following day, Wright withdrew his resolution, but the debate continued. Martin R. Delany, a sub-assistant commissioner in the Freedmen's Bureau and the first black major in the United States Army, criticized Wright's resolution. The most prominent black nationalist of the antebellum period, Delany maintained that blacks should not claim high political office "till *we* at least should be *ready* and *qualified*. . . . Let colored men be satisfied to take these things like other men, in their natural course and time."

Delany's view was echoed by several black leaders of his generation. Henry Highland Garnet—who, like Delany, had supported the establishment of a black nation before the Civil War—now said that "whoever attempts to elevate himself or others to office in the federal government simply on account of the color of their skins, is, in my opinion, guilty of an act of great folly." The Rev. J.W.C. Pennington, a former slave who had been active in black conventions, agreed with Delany. Pennington's position, however, reflected the suspicion with which ante-bellum black leaders viewed whites who presumed to speak for the enslaved race. His words were admonitory: ". . . in entering upon a political career it should be our care not to be dragged into a false and ridiculous position by mistaken friends and enemies in disguise."

Not all black leaders agreed with Delany; at least two attacked him publicly. But the racism pervasive throughout American society prevented any serious consideration of Wendell Phillips' original proposal, and the question of a black vice presidential candidate was put aside, not to be resurrected for more than a hundred years.

Floyd J. Miller

Mr. Miller *teaches history at Hiram College.*

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Nobody Here But Us Robots

Sometime in 1974, not 1984, a fleet of US air force planes will leave their base in Thailand for a bombing run over North Vietnam. Many will be brought down by surface-to-air missiles, but not one pilot will be killed or captured. They will be sitting comfortably on the ground hundreds of miles away, flying the unmanned planes by remote control. A war with no (American) casualties and no POWs!

"The hottest idea in the Defense Department today," the authoritative *Armed Forces Journal* calls the remotely piloted vehicle (RPV). The air force is spending millions of dollars to develop RPVs for bombing, air-to-air combat, reconnaissance, and a variety of other tactical missions. Pilots will control the unmanned aircraft via airborne sensors and high-speed data transmission links. An RPV fighter will have a nose-mounted television camera with a high-resolution zoom lens, enabling the pilot to identify enemy aircraft as far as 20 miles away on his TV screen.

The robot air force was conceived in 1970, when a symposium sponsored jointly by the Air Force Systems Command and the Rand Corporation concluded that "the time is ripe." The Defense Department subsequently initiated several prototype and study programs to demonstrate the feasibility of aerial warfare by remote control.

Several expectations are motivating the Pentagon's increasing interest in RPVs: costs of modern warplanes will continue to soar; anti-aircraft defenses will be getting more refined; and the American public will become increasingly reluctant to risk pilots' lives or spend inflating dollars. As *Aviation Week* put it, "the impending low-profile military posture of the United States will impose greater demands on techniques involving low human risk, minimal expense and little reliance on foreign or offshore military bases."

While the Defense Department will ballyhoo the RPVs to the public as a life-saver, its primary concern is for a cheaper, more efficient, "cost-effective" weapons system. Much of today's high fighter costs—over $3 million for the F-4 Phantom—are spent on increasing the probability that the human crew returns alive. Unmanned airplanes have no need for heavy and expensive components such as multiple life support systems, ejection seats, highly reliable engines, and strong airframes. Lightweight and inexpensive materials such as cardboard, fiberglass, inflated fabrics, and plastic foam would be suitable for airframe construction. Once the man is taken out of the plane, says *Aviation Week*, "techniques common in model airplanes, sailplaning and toy manufacturing can be used." The Pentagon currently envisions an RPV fighter costing only about $250,000.

The remotely piloted fighters not only will cost less, but also will outmaneuver their manned counterparts. The lightweight RPVs will be capable of accelerating and turning at a rate twice that which an on-board pilot could endure. Last spring not a few eyebrows were raised at the Pentagon after a modified Firebee drone came out on top in a dogfight with an F-4 Phantom, the country's top-line fighter. Navy pilot John Pitzen controlled the drone from a ground station at the Point Mugu headquarters of the Naval Missile Center. The unmanned fighter, operating with only half the projected capability of future RPVs, evaded air-to-air missiles fired by the Phantom and scored several simulated "kills" against the manned aircraft. Even more startling are the Pentagon analyses which show that a remotely piloted fighter could turn inside and fly down the tail of an opposing fighter in only 20 seconds after a head-on encounter, a maneuver that would take as much as two minutes for the $15 million F-15, the "next-generation" fighter currently in development.

While remotely piloted fighters will not be flying until the end of the decade, the technically simpler RPV bombers are scheduled for use by 1974. In January, 1971, former Deputy Secretary of Defense David Packard issued a directive creating a high-priority "Defense Suppression" program with $14 million in emergency funding. This crash effort, which received another $16 million for 1972, is designed to meet the "urgent" threat of overlapping anti-aircraft artillery and surface-to-air missile defenses such as those found in North Vietnam. The unmanned bomber is only one facet of the effort to achieve a "stand-off" capability to "eliminate the enemy surface-to-air threat" without losing American lives.

On January 10 the air force completed its demonstration of an armed Teledyne Ryan 147 reconnaissance drone for use as a prototype RPV bomber. When deployed the RPV will be accompanied by Maverick air-to-ground missiles. The Maverick, produced by Hughes Aircraft, is guided to its target by a miniature TV camera in its nose. The pilot, hundreds of miles away, merely locks the camera on the target. Then an on-board computer takes over, centering the 500 pound missile on the target as the range is closed.

The other services are hopping on the RPV bandwagon. Last year the army asked Congress for $25 million to develop a prototype RPV carrying a laser target designator for laser-guided weapons, and more than $6 million to develop "expendable" RPVs for "kamikaze" missions. The navy, remembering the effectiveness of the Japanese tactic in World War II, is also leaning toward expendable RPVs, which could cost as little as $20,000 each.

Much of the impetus for robotizing warplanes is coming from the aerospace and electronics indus-

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tries. According to *Air Force* magazine, the 1970 air force-Rand symposium saw RPVs as a means to "basically change the nation's weapon system design and acquisition philosophy." While each RPV will cost only a fraction of the millions now spent for each warplane, they will roll off the production lines in vast numbers. "The desire to return to mass production, the traditional point of strength of US industry," *Air Force* concluded, "is one of the driving forces behind the remotely piloted vehicle program."

So, in the 1980s enemy warplanes will be met by hundreds of RPVs equipped with rockets, missiles, and laser ray guns, swarming around their larger but slower adversaries like bees attacking a bird. Later, pilots will be put back in the planes. But the pilots will be computers, programmed to recognize a target and destroy it. Humans will play a minimal role, perhaps merely giving orders such as "Go. Shoot. Stop. Return." So predicts a former engineer who specialized in "artificial intelligence," the technology of robots now being developed—with funds from the Pentagon's Advanced Research Projects Agency—at Stanford University and the nearby Stanford Research Institute.

War will increasingly become a contest between machines—which do not bleed, die, get addicted to drugs, shoot their officers, or refuse to fight. A pilot flying an RPV bombing run from a swivel chair in an underground control center doesn't look out his cockpit window at the death and destruction below and wonder "Why am I doing this?" He doesn't watch the flak coming up at him and swear that he'll never fly again. He feels no more compunction than does the engineer who designed the machine.

Robert Barkan

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Amtrak Off Track

Taking a Train?

May Day marks the end of the first year of the National Railroad Passenger Corporation (Amtrak). It has been a remarkable 12 months; Amtrak lost over half of the nation's passenger trains and managed to go broke in the bargain. Now it is asking Congress for $170 million in addition to the $40 million in grants and $100 million in loan guarantees given it a year ago.

It is estimated that in pre-air transport 1929, there were approximately 20,000 passenger trains operating in the US; by 1971 there were 366, which Amtrak has reduced to about 160. The designation by Secretary of Transportation John Volpe of these trains and their routes as the basic rail system had the effect of discontinuing service to 25 metropolitan areas and to hundreds of small and medium size cities.

Lest we forget, the National Railroad Corporation was created "to provide intercity rail passenger service, employing innovative operating and marketing concepts so as to fully develop the potential of modern rail service." Amtrak is a semi-public corporation, the board of directors including public as well as private members.

Although Amtrak has improved operations of the remaining trains somewhat and has hired fashion designers to create new uniforms for operating personnel, other "innovative and marketing concepts" are not working well. A new airline-like reservation system was instituted, because, as the Amtrak literature says, "Some of the most annoying problems of going by train take place before you even step aboard . . . That's why we're putting such a high priority on faster and simpler reservation and ticketing procedures." Well, a recent traveler between Chicago and Washington spent an hour and 40 minutes at the ticket counter in Chicago waiting for the new system to produce reservations that had been "confirmed" two weeks before.

The train to Washington departed on time, but occupancy was less than 50 percent. The train is operated for Amtrak by the Penn Central Company. Performance was up to post-World War II standards but not up to the quality of trains of the late twenties and thirties. The crew was pleasant and courteous, a distinct change. Equipment was of acceptable design and accommodation but apparently was 20 or more years old and showing its age. After the third try, the conductor found a roomette in which most everything worked, except the thermostatic heat control. The cars were not uniform; doors at the ends of cars all had a different mode of operation: some manual, some semi-automatic, some with a handle, others with a push plate. Crossing the vestibule area between cars is still rather hazardous.

The bar car was drab and less than half full at cocktail time. There was a bartender, but otherwise it was self-service. A large percentage of the sparse patronage consisted of coach passengers, some of them children drinking soft drinks, taking advantage of the extra space and less restricted seating.

The dining car was less than one-third occupied at dinner time. It had the usual white linen table cloths and napkins. Prices were about on a level with good city restaurants, but the food was very poor, or perhaps more correctly, very poorly prepared. Service was no more than fair, and one still writes out his own order. The quality of a train is probably more noticeable

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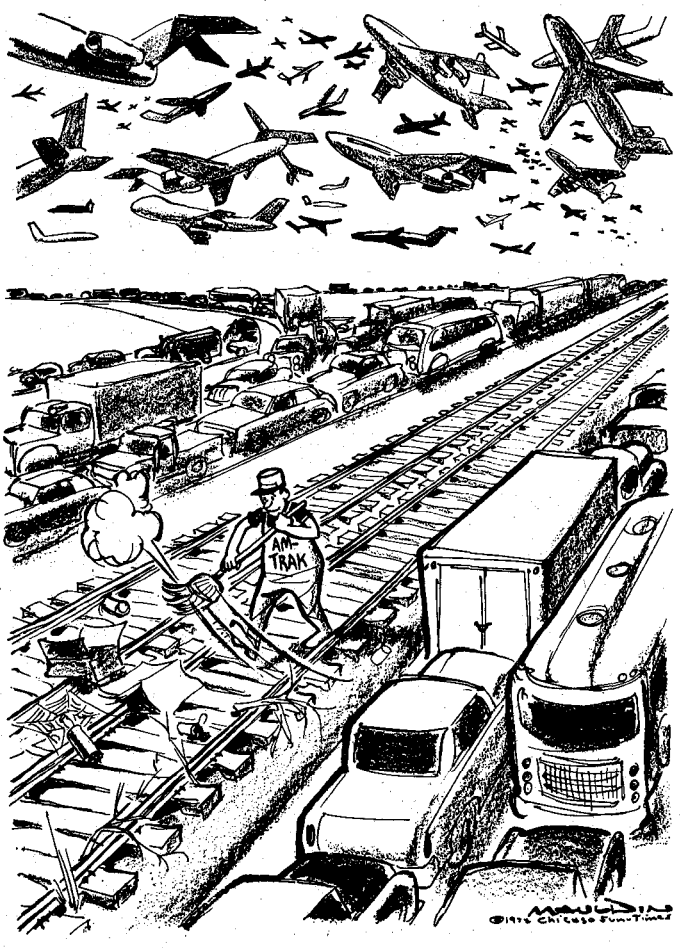
when one is dining than at any other time. The going was rough, for which there was no topographic reason; the train was crossing flat, glaciated Eastern Indiana and Western Ohio. On the latter part of the trip, the roadbed seemed smoother and there may have been some welded rail (no "clickety-clack"), but Amtrak has a long way to go to get the track and roadbed up to the condition required for smooth riding.

Washington, DC trains still run out of Daniel Burnham's magnificent Union Station with its vast hall and vaulted ceiling. That may be short-lived, however; Amtrak is considering abandoning central-city stations. In order to cut financial losses at terminals, Roger Lewis, former Pan American World Airways executive who is now president of Amtrak, recently said, "We have to get out of some of these downtown locations and build new, small suburban stations." Such a move would be a blunder. One of the few advantages remaining to railroad passenger service is that terminals are located in the central city. If one must instead be transported first to a suburban station, then make the train trip, then be transported from another suburban station into the center of the destination city, train transport will have acquired air transport's chief handicap.

Four days later, the traveler rode the Metroliner to New York, leaving Washington at noon and arriving on time in New York three hours later. The rolling stock was pleasing in appearance and the cars well articulated, but the ride was not smooth; in fact much of it was quite rough and there was considerable side sway. Despite what has been published about the equipment, the "airplane type" seats are not comfortable. There is a sort of head-rest portion at the top of the seat which bulges forward a few inches and forces one's head forward into an unnatural position, literally giving one a pain in the neck. But considering what it has to work with, Amtrak is doing about as well as can be expected with Metroliner service between Washington and New York. (Actually the improvements antedate Amtrak.) Yet the service is not nearly as good or fast as it should be.



The fault lies primarily with other federal agencies such as the Department of Transportation and the Office of High Speed Ground Transportation. They were clearly told by Congress several years ago to establish high speed rail service of the quality existing in Japan and Western Europe, commencing with the "Northeast Corridor," Boston-New York-Washington. The agencies have not got the job done. In the time which has been available to them, they should by now have equipment and track providing a comfortable ride at speeds well above 100 miles per hour, making the trip from Washington to New York in two hours. Many reasons have been suggested for their failure. One is that the railroad officials, notably those of Penn-Central, did not want the project to succeed. Another is that the program was sabotaged within the bureaucracy of the federal agencies by those who prefer more exotic modes of transportation, even though they don't exist and would require at least 20 to 30 years to develop. One man well up in the hierarchy of the Office of High Speed Ground Transportation a few years ago said, "We are not going to be saddled with nineteenth century technology." Meaning, of course, railroads.

Amtrak is failing. Probably it was designed to fail. At its inception critics foretold the loss of service which has occurred, and experts objected to Volpe's concentration on long distance service, holding instead that rail passenger facilities were more suited to short and medium distance hauls. In any event, Amtrak has done nothing to alter the system which is forcing more and more dependence on the private automobile. It is ironic that public policy is inviting more highway slaughter by encouraging more and more travel, by car, at the same time it is throwing away a railroad transportation system which is more efficient for many functions, much less polluting and at least ten times safer than the highways.

John J. O'Mara

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Coddling the Corporations

Crime in the Suites

by Ralph Nader and Mark Green

As defined by sociologist Edwin Sutherland in the late 1940s, white collar crime is committed by businessmen, government officials and professionals in their occupational roles. The culprits look like respectable citizens, not shifty-eyed mobsters, which makes it so hard for many to accept what they do as "crime." White collar crime has never made it into Richard Nixon's "law and order" lexicon.

Even more difficult to establish is *corporate crime*, involving premeditated business predations. Sutherland found that slightly over 97 percent of the corporations studied were "recidivists," with at least two convictions each. He concluded that "practically all large corporations engage in illegal restraint of trade, and . . . from half to three-fourths of them engage in such practices so continuously that they may properly be called 'habitual criminals.' "

In 1961 the *Harvard Business Review* surveyed its subscribers on the issue of business ethics. About four out of seven respondents to one question believed that businessmen "would violate a code of ethics whenever they thought they could avoid detection." When asked, "In your industry, are there any [accepted business] practices which you regard as unethical?" four-fifths responded affirmatively. That same year, a General Electric executive sentenced to jail for conspiring to fix prices asserted, "Sure collusion was illegal, but it wasn't unethical."

But what's unethical often *is* illegal. Take antitrust crime, the sabotage of economic competition. Antitrust offenses include price-fixing, market divisions, and exclusionary boycotts—all of which result in inflated consumer prices, inflated corporate returns and often rewarded inefficiencies. The possible penalties according to the Sherman Antitrust Act: up to a year in jail and/or a $50,000 fine per violation.

Although the number of criminal antitrust cases prosecuted each year by the Justice Department is small (due largely to their meager resources)—averaging 25 a year from 1960 to 1964, and 11 a year from 1965 to 1970—the total number of industries involved in criminal antitrust acts in the past 30 years is quite large. Nearly every conceivable industry has been affected, from milk and bread to heavy electrical equipment, from lobster fishing and the cranberry industry to steel sheets and plumbing fixtures. This large volume, plus the fact that the industries implicated are in no significant way unlike others, lead some analysts to conclude that their illegal acts are practiced elsewhere—without detection.

The vast scale of the electrical manufacturing conspiracy of 1961, involving nearly every firm in that industry, startled many complacent antitrust watchers who had intoned that price-fixing was nonexistent, even unnecessary, in an oligopolistic industry. The comment by a defendant in that case, that "conspiracy is just as much 'a way of life' in other fields as it was in electrical equipment," made observers wonder how many other industries were price-rigged. Our antitrust study *The Closed Enterprise System* asked the presidents of *Fortune*'s top 1000 firms how many agreed with this assertion. Nearly *60 percent* of those answering (100) concurred that "many . . . price-fix." And the only scholarly attempt to estimate the extent of price-fixing concluded in the *Northwestern Law Review* that "it is apparent that price fixing is quite prevalent in American business."

While antitrust crime may seem only remotely relevant—esoterica to be unraveled by economists but surely not consumers—its impact on corporations and the public is direct and vast. An international quinine cartel cornered the world market in the early sixties, raising the price of quinine from 37¢ an ounce to $2.13, and thereby pricing it beyond the means of patients who needed it to restore natural heart rhythm. "I cannot continue to pay these high prices for quinine," complained one elder citizen to a Senate subcommittee, "yet my doctor tells me I cannot live without it." Between 1953 and 1961, 100 tablets of the antibiotic tetracycline cost as little as $1.52 to manufacture but retailed for about $51; ten years later, after congressional hearings and a criminal indictment exposed a conspiracy among some of the nation's largest drug houses, the retail price for the same quantity was approximately $5. While the average American paid about 20¢ for a loaf of bread in 1964, the Seattle consumer was paying 24¢, or 20 percent more, due to a local price-fixing conspiracy, which was finally ended by a Federal Trade Commission ruling; it was estimated that consumers in the Seattle area were over-

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charged by $35 million. The electrical price-fixing cases of 1961 saw seven corporate officials sent to jail (20 others got suspended sentences). Seven billion dollars of equipment sales were implicated during the conspiracy, and more money was stolen by this one suite crime than all the street crime for that year combined. Summarized one unindicted official, "the boys could resist everything but temptation." Or as Woody Guthrie sang in "Pretty Boy Floyd," "As through this world I've rambled/ I've seen lots of funny men/ Some rob you with a six gun/ And some with a fountain pen."

What are the countervailing costs which could dissuade such business crime? There are four basic sanctions—imprisonment, criminal fines, treble damages and loss of good will. Yet cushioning their sting is an effective combination of official impediments: the pattern of Justice Department enforcement, the frequent settlement of criminal cases by so-called "no-contest pleas," and general judicial hostility.

The antitrust budget of the Justice Department is slender ($11.5 million for 1971, or 1/20th of Procter & Gamble's advertising budget), and the percentage of criminal cases it files, as opposed to civil, is declining: for 1940-1949, 59 percent of all cases were criminal; in 1950-1959, 48 percent; and in 1960-1969, 31 percent. In 1970, Attorney General John Mitchell filed a total of *five* criminal antitrust cases, or nine percent of all cases brought.

No-contest pleas (also known as *nolo contendere*) account for 79 percent of all antitrust convictions over the last decade. By it a defendant admits without trial that he committed the alleged offense. For this plea judges often sentence more leniently, later private suits are made more difficult, and public trials are avoided. All erode the deterrence of antitrust sanctions. Legal philosopher Lon Fuller has argued that "the public trial and condemnation of the criminal serves the symbolic function of reinforcing the public sense that there are certain acts that are fundamentally wrong, that must not be done." This view seems particularly applicable when many violate the law and few consider the action as wrong. "In such a moral atmosphere," Fuller continues, "it may be argued, men need to have their sense of guilt restored."

Judges rarely refuse the offer of no-contest pleas, even when the government objects to them. And they show their hostility to antitrust in ways other than accepting such sanctionless settlements. Maximum fines or jail sentences are rarely imposed; defense counsel are treated cordially, government counsel with dispatch and disdain. For many judges, a business defendant looks like the judge, may belong to the same country club, or at the very least, is the kind of client he represented in his former law practice. (One lawyer said in an interview that "it is best to find the judge's friend or law partner to defend an antitrust client—which we have done.") For others antitrust is unimportant. One district court judge proudly admitted that "antitrust laws are a part of America's romantic dream, which can never be realized . . . in a modern industrial system."

While enforcement patterns, no-contest pleas and antagonistic judges reduce the deterrent potential of the four basic antitrust sanctions, each one is already perforated with problems:

Imprisonment The likelihood of a white collar antitrust criminal spending time in prison is near nil. Even in the 1940s, which included Thurman Arnold's widely admired tenure and involved a record number of criminal cases filed, there was not one case where a defendant was actually incarcerated. Since 1890, there have been a total of 461 individual defendants *sentenced* to prison. Most were labor racketeers or individuals who mixed violence with a labor or management scheme. In almost all cases the sentences were immediately suspended. In the more than 80-year history of the Sherman Act, there have been only *three* occasions when businessmen have actually gone to jail for a criminal violation.

Juries are one reason why. Even when the evidence is strong, a form of jury nullification can occur. How can the jurors send that well-dressed, white, wealthy, articulate father of three to jail with unkempt, nonwhite, poor, uneducated street criminals?

The fundamental reason why the Sherman Act has not been effective, however, is again the judicial bench. Judges simply do not like to send businessmen to jail. District Court Judge John Lord, when sentencing convicted school suppliers in an early 1960s antitrust case, said, "All are God-fearing men, highly civic-minded, who have spent lifetimes of sincere and honest dedication and service to their families, their churches, their country and their communities. . . . I could never send Mr. Kurtz to jail." When judges were asked "Why do so few convicted Sherman Act violators ever serve jail sentences?" in a recent questionnaire sent by the writers to all district court judges, some of the typical replies were: "recidivism is unlikely," "violators are *not* hardened criminals," "defendants are victims of economic forces," and "not clear in corporate case that guilty ones are in court."

This leniency toward corporate criminality contrasts with the often sadistic sentences imposed on street criminals. A year after seven electrical manufacturers were sent to jail for 30 days apiece, a man in Asbury Park, New Jersey stole a $2.98 pair of sunglasses and a $1 box of soap and was sent to jail for four months. A George Jackson is sent to prison for ten years to life for stealing $70 from a gas station, his third minor offense; and in Dallas one Joseph Sills received a 1000-year sentence for stealing $73.10. Many states send young students who are marijuana first offenders to jail for five to ten year terms. But the *total* amount of time spent in jail by all businessmen who have ever

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JULES FEIFFER

LAWS ARE DESIGNED TO PROTECT SOCIETY.

WHEN CRIMINALS BREAK THE LAW AND GET AWAY WITH IT-

THE RESULT IS RISING VIOLENCE, CRIME IN THE STREETS, ANARCHY.

WHEN BIG CORPORATIONS BREAK THE LAW AND **DON'T** GET AWAY WITH IT-

THE RESULT IS FALLING STOCKS, RISING UNEMPLOYMENT, CRIME IN THE STREETS, ANARCHY.

SO PROSECUTE CRIMINALS!

AND SUPPORT CORPORATE CRIME!

KEEP AMERICA STRONG!

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violated the antitrust laws is a little under two years.

Criminal Fines From 1890 to 1955 the maximum Sherman Act fine was $5000 per violation; in 1955 it was increased to $50,000 per violation. Both are insignificant, dwarfed by the $49 million average net income for each of the top 500 industrial firms in 1969. Moreover, the *actual* fines levied are usually far below the maximum possible. Between 1946 and 1953, for example, the average Sherman Act fine was $2600. Despite the tenfold increase in possible penalties in 1955, between 1955 and 1965 corporate fines averaged only $13,420 and individual fines $3,365. (The $50,000 fine is even small by white collar standards. For example, the Nixon Environmental Program, if passed, would allow court-imposed fines as high as $50,000 *per day* for a second violation of water quality standards.) Lee Loevinger, former antitrust division chief, has described GE's $437,500 total fine in the electrical cases as "no more severe than a $3 ticket for overtime parking for a man with a $15,000 income." While some court-imposed fines achieve compensation and others seek deterrence, antitrust fines do neither.

Treble Damage Suits Such actions could be a great deterrent to price-fixing. The theory is that any person who can prove damages from the illegal antitrust conspiracy can then recover three times his damages from the corporate defendant. The multi-fold return was intended to spur the bringing of such private suits, which would both penalize the violator and indemnify the victim. But for a number of reasons—the high rate of no-contest pleas, the difficulty of proving actual damage, the reluctance of many harmed companies to sue a brother firm, and procedural obstacles—private treble damage suits have never realized their potential.

Goodwill A potentially powerful deterrent occurs when a corporation's goodwill is damaged by an antitrust conviction. Corporations may not mind paying minor sums out of their profits but do object if their reputation is besmirched in consumers' minds. Lack of interest by the news media eases the pain of this informal stigma. And, as already stressed, "*nolo*" does not ring in peoples' minds as does "guilty." Therefore, business firms and law firms try to perpetuate the fiction that a *nolo* plea, while legally an admission of guilt, really concedes nothing at all, or even that a *guilty plea* doesn't mean quite that. Former Attorney General Herbert Brownell represented Westinghouse during the 1961 courtroom proceedings. Upon pleading his client guilty to seven counts, he had the pluck to assert that Westinghouse "does not admit the allegation of any of these indictments, but is simply changing its pleas for the purpose of promptly disposing of pending litigation."

In sum, the network of sanctions that aim to deter antitrust criminality does not outweigh the possible benefits to the violator. The meager fines imposed, and even treble damage payments, become merely costs of doing business. Based on six case studies, including offending firms who had their damage payments trebled, a study by the Law Department of New York City concluded: "Indictment by a federal grand jury, punishment inflicted through criminal action, the payment of trebled damages resulting from civil trials, all legal costs incurred in the process, *none of these nor any combination of them succeeds today in denying the price fixer a profit realization at least double a normal level.* (emphasis supplied)

In America, Inc., crime pays.

A combination of new measures should ease antitrust crimes into extinction. All are predicated on an obvious fact about this genre of crime: violations are neither spontaneous nor *ad hoc*, but are carefully planned out by intelligent people balancing risks and benefits; it is with just such calculating individuals that strong penalties can be successful deterrents.

The long-standing judicial failure to impose penal and monetary sanctions compels the need for minimum penalties. When a defendant admits to or is found guilty of a knowing and willful violation, there should be a minimum prison term of four months for the first offense and one year for the second. A minimum fine of one percent of the corporation's sales receipts for the years of the conspiracy (subsidiaries taken separately) would help make the punishment fit the crime. Within the judge's discretion, it could go up to 10 percent. Since it has been estimated that a price fixing conspiracy can, on the average, inflate prices by 25 percent, it does not seem unreasonable to insist that convicted firms divest themselves of at least a minimal portion of their illegally acquired proceeds. With serious financial penalties built into the fabric of enforcement, the profit motive itself should be adequate incentive to self-regulate the system into compliance.

Just as the Landrum-Griffin Act ousts labor leaders from their positions for criminal convictions, any member of management who obtains a criminal record relating to his corporate duties should take a permanent vacation. So that individuals not be relieved of the bite of liability for their personal wrongs, federal law should forbid the corporate indemnification of criminal, individual fines—which is permitted by some states today. A corporate agent in a supervisory capacity should be held criminally liable if he has specific knowledge of an antitrust violation within his area of supervision, and if he willfully fails to report or end it; the intentional disregard of a duty should entail legal accountability. Also, corporations should be compelled to inform the public of their criminal convictions—as suggested by the National Commission on the Reform of Federal Criminal Laws—as the only way to counteract massive publicity which projects them as concerned and magnanimous citizens.

Finally, corporations should voluntarily stop putting impossible demands and pressures on middle

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rank executives, the kind which can only compel them to fix prices in order to reach projected profit margins. What did lead John H. Chiles—a division manager at Westinghouse, 57 years old, a senior warden of his local Episcopal church, vice president of his United Fund drive, and according to his lawyer, "the benefactor of charities for crippled children and cancer victims"—to meet illegally with his competition? No doubt there was a breakdown of personal morality, but, as Chiles's lawyer also argued, "There is such a thing as business compulsion . . . there is such a thing as atmosphere; there is such a thing as knowing acquiescence in a situation." The top executives in the electrical firms were never indicted or convicted. Instead, just two months before sentencing of his subordinates began, chairman Ralph Cordiner was selected as the National Association of Manufacturers' man of the year.

The Paradox of Prison Reform—IV

Planning for Public Safety

by Robert Martinson

Treatment for offenders (and crime) has dominated our policy for a hundred years. It arose from a democratic impulse—the lowly convict could be redeemed. For a time, the institutions that embodied this impulse were subject to reform, but gradually they dropped out of the orbit of popular concern. And while treatment or corrections lagged, an agrarian nation was becoming a highly industrialized state, and after World War II, a world power.

Today, corrections is a self-contained bureaucracy subject to declining vision, inmate revolt, and popular discontent. As the incidence of crime has increased and the potential victim of crime has become more restive, a widespread "fear of crime" has surfaced. It has been exploited by politicians who offer little but denunciations and is partially intertwined with racial tensions. The fear, however, is genuine. Offenders—disciplined by the regime of the indeterminate sentence and taunted by promises of rehabilitation—have brought their suffering into the open, only to be cruelly used.

No solution is possible which does not submit the correctional systems to democratic control through agencies that have the power and resources to introduce change. To work successfully, planning agencies must gain public support. But *a new principle is required before the public will finally overthrow the myth of treatment*, and the controversy between the "punitive" hard-liners and their "bleeding heart" treatment opponents needs clarification if that new principle is to come to the fore.

Contrary to what we hear, for the hard-liners punishment is *not* the goal of the post-adjudicatory system. The goal is deterrence—individual and general deterrence—and the hard-liners assert that punishment is the appropriate *means* to this goal. They demand that the threat (of punishment) contained in every penal statute be carried out promptly, so that everyone will be assured that it is a credible threat: to legally convict and then punish an offender will "deter" him from further offending; it will also "deter" potential offenders from committing crime. The spokesmen for treatment, on the other hand, believe the goal should be rehabilitation and that treatment is the means to this goal. Do they believe that successful rehabilitation of an offender will have a chilling effect on potential offenders? No effect? The treatment argument is obscure at this point, primarily because treatment of offenders must go on within a punitive context—unless we decide to abolish the penal statute and reward offenders.

These two classical positions are not opposites. Each advocates a different mix of punishment and treatment. The hard-liners wish to strengthen the capacity of the state to strike fear into the hearts of potential offenders in order to maintain public order. Treatment is primarily concerned with changing the convicted offender into a law-abiding person. Both positions claim to "protect the public."

Must we choose between the two? Not if we shift attention from the offender (and the state) to the public and especially to the victim. The proximate goal of

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crime control policy as a whole (not merely corrections) would then be: *maximum protection to the public balanced against minimum harm to the offender.*

Both factions will oppose this formulation since it places the *victim* at the center of public policy. Treatment spokesmen seldom mention the victim except to warn that he may overthrow our system of justice in his thirst for vengeance. Hard-liners claim that the offense against the victim is "really" an offense against the state and that the victim's legitimate feelings of revenge are reconciled through legal punishment. I suggest it should be the aim of public policy to protect the public and to inhibit vengefulness by compensating the victim for the failure of the state to provide protection. Revenge wells up when the victim feels the state abandoned him; he has no place to turn for help. Then "fear of crime" is magnified out of all proportion to risk. Folk-justice is vengeful and subject to intolerable injustice, because the only gain is the momentary alleviation of feelings.

The maintenance of order in society takes place at the expense of a very small number of those who commit offenses. (About two percent of violent crime and 0.5 percent of property crime ends in conviction and imprisonment in America today.) But convicted offenders are *harmed* no matter with what care they are handled. A proper aim of public policy is to discover ways to reduce this harm to a minimum compatable with public safety.

As we become more productive, the income pyramid bulges in the middle. So although the victim of crime is still concentrated in the ghettos and inner-city areas, he is increasingly located in the middle layers of society, and he is not powerless. Of middle or well-to-do status, he is organized in small business associations, trade unions, citizen lobbies and political parties. Jurisprudence, public policy, administrative procedure must change to fit these facts.

Everyone suspects that we are now getting *minimum* protection for the public and *maximum* harm to the offender. To move beyond suspicion to knowledge requires research that combines the analytical skills of the economist, the jurisprudence of legal advocacy, the sociology of the life span, and the analysis of systems. Centers and institutes combining such skills could aid planning agencies in evaluating programs, allocating public funds, and undertaking basic crime research. To combine "organizational intelligence" and public disquiet to produce substantial change in criminal justice systems is ultimately a political problem. Many of the elements for change are present—concern over Attica, a growing determination to shut down prisons (San Quentin, juvenile institutions in Massachusetts), the creation of 50 state planning agencies, increasing judicial intervention, the disintegration of the myth of treatment, growing attacks on the principle of the indeterminate sentence.

There are four major solutions currently advocated: 1) decriminalization (reducing or abolishing penalties for certain behavior); 2) operational efficiency (reducing irrationality by improving agency functioning); 3) diversion (shifting offenders from confinement to other parts of corrections or to the community); 4) crime prevention.

These "solutions" reflect different estimates of the need for change, and different criteria for determining when success has been achieved. Let us look at each from the standpoint of the victim or potential victim.

Decriminalization asks the public to tolerate more deviant behavior and cease using the law to enforce moral conformity. It assumes lack of consensus in such areas as abortion, sexual behavior, drugs, vagrancy, public drunkenness, prostitution, obscenity, and so forth and simply removes the behavior from the penal codes and reduces penalties. People who live in high rise apartments with doormen, or in well-to-do suburbs may find this a cheap solution. Persons in small towns or from rural backgrounds may find it shocking. Many of those required to tolerate the behavior—urban dwellers, ghetto inhabitants, small business people—refuse to make nice distinctions. Unless decriminalization is combined with *concrete protection* against the most feared crimes—robbery, burglary, purse snatching, mugging—it will be a "solution" achieved at the expense of the public.

Some progress might be made through increasing the *operational efficiency* of existing agencies, especially the police, but only if they are regarded as parts of a larger "system" whose boundaries are not arbitrarily fixed to deal with "symptoms" and ignore "causes." The *potential* victim in precinct A is not enthusiastic if it turns out that increased police efficiency in precinct B has chased the offender into his backyard. Displacement of crime is part of the larger problem of deterrence. Five centuries of philosophical discussion ought to have prepared us to find out something about it. What kinds of activity, under what conditions, and with what amounts of public resources will inhibit what types of potential offenders from committing what kinds of offenses? In the absence of knowledge, planning agencies succumb to bureaucratic incrementalism: as Congress appropriates funds each criminal justice agency is given its added share.

A new strategy of *diversion* ("divert" offenders from confinement to community supervision) is growing among correctional insiders. This policy advocates bail reform, work release, weekend jail lockup, local supervision—any device that will reduce the contact between offender and the correctional system. Assuming that prison is always more damaging than probation or parole, diversion will reduce long-term criminal career costs. The potential victim wishes to know, however, whether this long-term saving is achieved by an increase in the probability of his being victimized. If he is given the facts, he may be willing to trade-off a

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short-term increase in risk for a less criminalistic society in the long run.

The strategy of diversion is not a panacea. All "contact" with the criminal justice system is not equally damaging to all offenders. I have argued that corrections cannot correct to the degree that its efforts—however well motivated—interfere with "life cycle progress" (the schedule of moves by which a person becomes a productive citizen). It is doubtful that probation or parole supervision are designed to minimize such interference and maximize help, especially if the treatment myth (smaller caseloads) continues to dominate public policy. Will a spectacular planned reduction in the median length of stay in California prisons under Governor Reagan be accompanied by a real *increase* in help to these released offenders (through job training, placement services, parole income, free psychiatric help, if requested), or will the philosophy of pinch-penny provide the public with neither short-run nor long-run protection? If deprivation of liberty as a punishment is becoming outmoded, it is not simply that incarceration is damaging but that liberty is *no longer so precious* for large numbers as it once was. Liberty is most precious when it is most useful. To offer offenders a hollow freedom is mockery, although they may prefer it to prison.

Finally, there is *crime prevention.* All the parts of criminal justice are in the public realm except the most important "part"—the social process that generates the criminal behavior and influences the police to select out the tiny number of persons to "process" from the mass of crime. The kinds of intervention covered over by the term "prevention" differ profoundly.

In an official report submitted by the Space-General Corporation to the state of California in 1966, the systems engineers, ensconced in their lily-white suburb of El Monte, gave us one version of the future. Their "Potential Offender Identification Program" included a "population planning program" aimed to "reduce the production of potential offenders." The report revealed that the crime problem was concentrated in the Negro and Mexican-American ethnic segments of the state and not in El Monte. What a discovery! Yet the then governor, Pat Brown, heralded the report as real science and not mere sociology. It was a preventive version of the myth of treatment.

Democratic crime prevention received a terrible blow during the period of "maximum participation of the poor." Programs such as Mobilization of Youth were premised on crime prevention, and promised to provide information testing the "opportunity" theory—the idea that real expansions of economic opportunity will reduce crime. But these programs provided no research worth looking at. As a result, crime prevention—the intervention into social conditions immediately associated with crime—is still a slogan and a hope. Yet, if it is the lack of social opportunity in an affluent society rather than the brutality of prison which is responsible for soaring crime rates, crime prevention *is* the core of a solution. By removing offenders from society, the prison damages their capacity to take advantage of opportunities even if they were provided. If the planning perspective is to prosper, it must distinguish sharply between programs to stop the breeding of "potential" offenders and programs to expand opportunity in a democratic society. For example, under a Correctional Training and Employment plan that has been proposed by Senators Javits, Hart, Kennedy and others, youthful offenders *before they are tried,* would enter a 60- or 90-day training or employment program; and if they do satisfactorily, the court case may be dropped. The bill authorizes $340 million for three years. But it's not clear how much of this money would be spent on "improving" prison educational and vocational programs; that is, on further underwriting the myth of correctional treatment.

To repeat: the focus of social planning is the potential victim, not the offender. Social planning will not hesitate to properly allocate resources devoted to crime control. It will not hesitate to introduce radical changes in the present administration of justice aimed at reducing to a minimum the long-run damage done to convicted offenders. It will do this openly, through pragmatic experimentation, seeking to convince the public through *experience* that more deviant behavior can be tolerated, that a gradual reduction in crime is worth taking immediate risks for. But it will insist that risk must be shared equally through a national scheme for the compensation of victims. And, it will not taunt the convicted offender with promises of "treatment." Instead, it will squeeze the fat and the "rackets" out of corrections, and gradually close the noisome prisons.

Let me end with a coda. The long history of "prison reform" is over. On the whole the prisons have played out their allotted role. They cannot be reformed and must be gradually torn down. But let us give up the comforting myth that the remaining facilities (and they will be prisons) can be changed into hospitals. Prisons will be small and humane; anything else is treason to the human spirit. We shall be cleansed of the foreign element of forced treatment with its totalitarian overtones. Officials will no longer be asked to do what they cannot do; they would be relieved of the temptation to do what should not be done: further utilize the iron pressure-chamber of prison life to change the offender.

Crime arises from social causes and can be controlled and reduced (but not eliminated) through social action. The myth of correctional treatment is now the main obstacle to progress; it has become the last line of defense of the prison system; it prevents the sound use of resources to balance public protection and inmate rights; and it diverts energy away from defending democracy through widening opportunity. It is time to awake from the dream.

This concludes Mr. Martinson's four-part series.

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Stanley Kauffmann on theater

Small Craft Warnings

(Truck and Warehouse)

The Beggar's Opera

(Chelsea Theater Center)

Sugar

(Majestic)

It's unpleasant to write about Tennessee Williams these days. If he was always overpraised, still he was at one time a first-class writer of theater pieces, works that had their natural and fulfilled life on the stage. Now he is no longer himself. What is worse, he knows it. What is even worse, he implicitly begs for mercy in newspaper and TV interviews. And when the suggestion arises that he might perhaps stop writing, he says with a pitiful grin, as he said on TV the other night, that some people wish he were dead.

But he *is* a writer of immense reputation. (A reputation launched by critics, the breed of whom he now complains . . . that's a familiar contradiction.) He may wish that his work could pass directly from his desk into canon without scrutiny, but the canon wouldn't exist if there had never been any scrutiny, and, with all gratitude for his good past work, here is some more scrutiny.

Small Craft Warnings is a vapid play. The scene is a bar on the southern California coast. The cast is a collection of human flotsam, including that old reliable, the drunken derelict doctor. (We haven't seen him for a whole month, since the Australian film, *Outback*.) The only exception is a shining young bisexual youth who passes through on his way to Mexico, possibly to join a road company of *The Milk Train Doesn't Stop Here Anymore*. Each of these wretches has a problem—some variant of essential human loneliness—and each of them gets at least one moment quite literally in the spotlight, when the rest of the stage is dimmed, for a solo. The mechanics of this process, and its predictability, and the emptiness of the utterances, make the play feel well-finished by intermission-time.

Williams was never a really intelligent writer, but he used to have a finely tuned sensory system that could transmute intangible feelings into tangible dramatic patterns: a talent for converting sexuality and despair into strong theatrical colors. A writer who could simply provide the opportunity for Marlon Brando to bite his fingernails idly in the shadows while his sister-in-law (who lusted for him) railed about him to his wife in the next room—that writer knew something about image and space and time on the stage.

But now Williams writes plays about plays. Life hasn't been consulted in *Small Craft Warnings*, only a file marked "Loneliness." The title and the setting are as heavily indicative as silent-picture subtitles. The dialogue and structure can thrive only by our assent, not our conviction. Williams is asking us to be kind to him *during* his play, as well as before and after: asking us to watch his play rather as a Victorian audience watched a melodrama, as a knowing display of known devices, rather than an artist's honest direct statement about humanity.

With consistent ineptness, the director Richard Altman has underscored every defect; and together he and Williams have cast the play to its disadvantage in every role. But there are two points of interest.

The *shapes* of the roles, though certainly nothing else, show some theater dexterity. An actor-friend who saw the play with me said, rightly, that Williams can still write seductively for actors, if not for audiences.

And Williams can now write openly about homosexuality. His writing on this subject is by now as stale as everything else he touches, but it's fascinating to speculate what his career might have been if he had had this option of frankness from the beginning.

The Chelsea Theater Center, founded in 1965, is one of the most discerningly adventurous groups in the New York area. Instances: last season they did a bill of one-act plays by Peter Handke; this season they did the American premiere of Genet's gargantuan *The Screens*. Their productions are often, literally, pathetic: that is, one feels pathos for the limitations imposed on them by insufficient money and facilities. Their casting is very obviously low-budget, most of the time. They play upstairs in the Brooklyn Academy of Music in a rotten long rectangular room with the playing space along one of the long sides. But they have brains and ambition.

Now they are doing a revival of *The Beggar's Opera* by John Gay, first performed in 1728 and often revived, best-known today as the source of the Brecht-Weill *Threepenny Opera*. Gay's work is one of the earliest to be centered in the unpretty, unfashionable world,

(continued on page 35)

Films Worth Seeing

Cabaret. A mordant musical based somewhat distantly on Isherwood's *Goodbye to Berlin*. Michael York splendidly shy as the hero, Liza Minnelli good but still Judy-Garlanded as Sally Bowles. Bob Fosse directed with incessant glitter. The intent was to be touching and politically sharp. Result: bric-a-Brecht.

The French Connection. Sappy but zappy. A thorough thriller, about drugs in Marseilles and Brooklyn. Gene Hackman heads a heads-up cast.

Gumshoe. A breezy but bored Liverpool night-club comic opts for the Bogart life and lingo. Albert Finney keeps the fantasy funny.

The Hospital. George C. Scott blasts off in a wobbly but often bright Paddy Chayefsky script about a middle-aged New York doctor and his young doxy.

The Sorrow and the Pity. A 4½ hour documentary—the shortest 4½ hours conceivable—about occupied France and some survivors today. Intelligent, humane, truly unforgettable.

Tokyo Story. A gentle masterpiece by Yasujiro Ozu, about parents and children and the passage of one's life. If any of these subjects happens to interest you, insist that a local manager book it—from New Yorker Films.

SK

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Black Boots For Fox Hunts

Etiquette
by Amy Vanderbilt

(Doubleday; $7.95)

I have read the 887 pages of this new edition of *Etiquette* with what can only be described as morbid fascination together with astonishment at Amy Vanderbilt's attitude toward the subculture she reflects. The book is about manners, the details of their execution, all of undoubted importance to the members of the wealthy upper class as well as the vertically mobile bourgeoisie. It is a book both prescriptive and descriptive, with its prescriptions written by a lady who establishes her social and professional credentials in the preface written for the first, 1952, edition: "My great-great grandfather, who 'read' law, was one of the founders of the Bank of Manhattan Company . . . my own line of descent [was] from the first Vanderbilt to settle in America . . . that and my partly European education, my fairly extensive traveling here and abroad, my years as a writer, as an etiquette advisor, and in business, have given me a flexible attitude toward etiquette." In 1971, writing now from Gracie Square instead of Westport, Connecticut, she is charitably prepared to acknowledge, in a new preface that "the sixties and early seventies have been a period of social upheaval. I have certainly had to consider the Sexual Revolution which in many cases merely reflected what many people were doing all along but were not prepared publicly to admit." With this somewhat ambiguous obeisance to the World As It Is Now ("certainly had to consider" is a reluctant rhetorical formulation reminiscent of Henry James), the book itself then proceeds to be a nostalgic and wishful description of the World As It Once Was—and Perhaps Is, for a small and ever-diminishing remnant of American society.

What can one find in *Etiquette*? Among other things, everything one needs to know about making a debut ("world wars for a time had a sobering effect on debuts") but no description of why one might choose not to make one, or not be invited to. There is an exhaustive treatment of courtship and engagement procedures, containing one of the few recognitions of the facts she "certainly had to consider": "decisions about premarital sexual relations are a private matter which each couple must decide for themselves [but] a couple do have obligations toward themselves, society, and their parents." Having done her duty, she then proceeds happily to more tractable minutiae: rings, parties, newspaper announcements, photographs, etc.

One hundred and thirty-six pages are devoted to weddings, based on Madame de Staël's lovingly cited aphorism: that "without marriage there is no happiness in love," and clearly not on Emma Goldman's 1911 assertion that "marriage and love have nothing in common; they are as far apart as the poles: are, in fact, antagonistic to each other." There is an astonishing array of information about every kind of wedding, including the elopement for which, to Amy Vanderbilt, there is but one excuse: "the bride and groom with a wide, expectant circle of friends . . . they would find difficult to exclude." Note however that short shrift is given to any but the religious service ("for civil ones can be very dreary"). "Religion has always taught that marriage with ceremony is more meaningful," she writes, noting that "no great contribution has been made to the ceremony of the wedding" by amateur efforts of young people to write their own marriage service.

In the next paragraph she proves that a possible accusation against her of social rigidity is unfounded:

> I am not against breaking the social rules if there is good reason to do so. I codify the changes from time to time. One that has crept up on us very gradually and which is now established is the fact that the bride certainly does not need to wear gloves any more, and some do not. Many changes will come, some of them precipitously. As I've said, I am never against change that is good, that makes a contribution to our way of living with one another.

In these detailed wedding-pages the heavy emphasis is on "Christian weddings." True, there are paragraphs devoted to Jewish, Christian Science, Eastern Orthodox, Quaker, and Mormon services. But the author, a mistress of almost every situation, gives up when it comes to Roman Catholic ceremony, in *her* book, that is, and passes the buck: "I suggest people go to a Catholic bookstore and acquire any relevant reading matter there."

If you are booked for a fox hunt in the near future, take careful note of the three full pages on the subject, especially the final admonition: "Brown boots are never worn with formal hunt attire. Only black boots are correct. With scarlet coats black calf boots with tan tops are *de rigueur*." If you are puzzled about how and where to wear your medals, there are two full pages of instructions, although specific references are limited to the Legion of Honor, civilians wearing decorations, and Sons and Daughters of the American Revolution, here termed "patriotic societies." It is important to remember that is is *not de rigueur* to wear miniature medals with black tie. And if you are planning a honeymoon, you are firmly advised in *Etiquette* that "upon arrival at the honeymoon spot, the young couple should immediately dispatch telegrams to the bride's parents announcing their safe arrival, and thanking them etc." then on to the groom's parents, same thing, or they may prefer to telephone both sets of parents. Being irreverent by nature, I could not decide whether these acts were an example of gracious etiquette or supreme self-control: no matter.

But, all such small items aside—the wearing of boutonnieres, the furnishing of permanent guest rooms, the 15-page dissertation on the formal dinner, the list of "basic" bridal glassware amounting to 12 kinds, 16 dozen, the hiring of servants, the proper conduct in an opera box, the use of heraldic devices, and most startling of all, the long list of foreign words and phrases to make one's conversation more "intellectual," as well as the writing of recommendations for servants, one of whom is here given the endearing name of "Hilde Dummkopf"—the matters that offended me most were on the general subject of women. I could perhaps have ignored such obviously indefensible dicta as "No woman can

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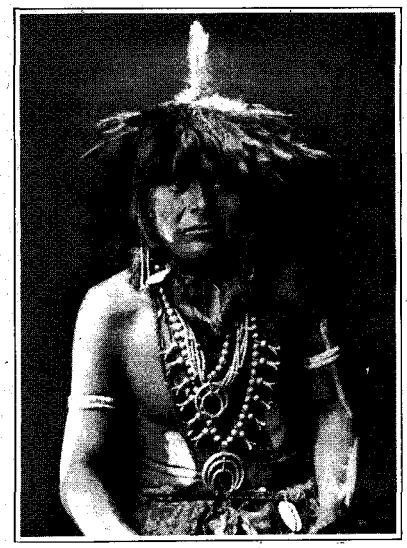

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find happiness in putting career above her husband and family," and "Every woman should change for dinner . . . fresh grooming for evening is one of the criteria of gentility," but I was offended by the tone of the whole volume: scorn for the liberated woman, or the woman attempting her own liberation, or working for the liberation of others.

To Amy Vanderbilt manners are not only knowing what to do, but also knowing your place. Etiquette, she remarks, is important, especially in a young (rude? barbaric?) country, and so the American woman (who may *not* know) is most often her target: the social arranger, the hostess, the mother of the bride and the child, the secretary, the woman executive ("a woman who achieves executive status of some kind must guard against being dictatorial at home as well as in the office"), the consumer ("better no mink than a cheap mink"), the wife. A woman's identity is always established, if she happens to have a career, by saying: "Mrs. Remington, who is also Melissa Murray, the sculptress."

The woman is fastened into her place in a number of ways, perhaps most firmly by the male busily exercising "the masculine graces." He gracefully sends flowers, is never late, holds the umbrella, lights a woman's cigarette, carries matches for her cigarette if he does not smoke, never touches her in public, especially to kiss her, but if he does, removes his hat, does not offer to shake hands with her if she does not do so first, kisses the hand of a *married* French lady (long paragraph on how to) but never an unmarried one, and never her palm up (some sort of sexually suggestive gesture) and, most astonishing, in a public conveyance, "touches his hat but does not look more than briefly at a woman to whom he gives up his seat . . . then stands as far away from her as possible and does not look in her direction." The moral of the chapter is clear: the woman is done unto (Mary's words to the angel were prophetic for the future of women), she is the object of small attentions and small meaningless concerns, she is the one who "insists she be treated as a lady in the human rather than the drawing-room sense," whatever that means. Why should she not insist she be treated as a *human* in the human sense? Amy Vanderbilt does not say.

The sexist fraudulence of this "largest and most complete book of etiquette ever written" is never more manifest than in the short chapter, "Gracious Living Without Servants"—well, not *entirely* without servants, there *are* the day-workers for the heavy work. Since much of the rest of the text depends upon the presence of servants, this section instructs the mistress carefully in the full routine of a well-kept house, and then follows it with a small summary for "sketchy days," the basics not to be neglected if he is not to come home "to an uninviting house." Notwithstanding these pages of "her" assignments, however, a token acknowledgment is tacked on to the end. Entitled "Division of Labor," it abandons the first duties-of-the-servantless-mistress bit to say that "women's lib aside" the possibility of a division of labor is in the interests of a stronger family bond, and "a more interesting and happy woman."

Men and women may be equally offended by the bland assumption that manners are to be applied like outer coats of paint, that they are not only the veneer but the whole social structure, that the way one does something is everything, the morality of the act, the motivation for it. It may be that "fox hunting etiquette is much like other etiquette in that it is based partly on the rules of safety, . . . there are traditional customs which are not always explicable but which should be followed nonetheless out of deference to the conventions," but one asks: safety for whom? the fox? and what motivates the necessity to defer to convention? Do we follow Amy Vanderbilt because we agree that "the simplest family, if it hopes to move just a little into a wider world, needs to know at least the elementary rules"? Of what? Decency, honor, morality, human concern? Black tie, black calf boots, where to place the "master salt"? Are her instructions to cement the whole of human society more closely, or to fix in its own ritual the upper classes so they are more readily able to identify the bourgeois gentlemen by their errors (in all this instruction they are bound, like Silas Lapham, to make *one*). Social acceptability is the aim of all these wearisome pages, and one wonders: to what end? by whom? why?

There is a useful word not on Amy's list of intellect-increasing foreign words and phrases that, it seems to me she should add:

Basta!

Doris Grumbach

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Yes, the Wolf is Real

The Limits to Growth by Donella H. Meadows, Dennis L. Meadows, Jorgen Randers and William W. Behrens III

(Universe Books; $6.50 hardbound, $2.75 paperback)

There is so much to turn people off in this volume, and in the enterprise which it represents (described as "a report for the Club of Rome's project on the predicament of mankind") that the questions it raises, the importance of which can hardly be overestimated, may be in danger of a kind of psychological blackout. There is danger also on the other side of developing a mystique of computerized prophecy which will encapsulate itself in a sectarian movement and will so fail to have the impact on public awareness it deserves.

When all the computer spaghetti has been discounted, the single overwhelming message which emerges through this document is that earth is a finite niche, and, therefore, *any* indefinitely expansionist process within it must eventually reach the limits of the niche itself. Development is not a joyful, unlimited expansion into infinity; it is a process of filling a bottle, the bottle in this case being the planet earth. When we are filling a very large bottle, as we have been doing, we may get an illusion that the process can go on forever; but at some point it begins to dawn on us that the bottle is finite and, if we go on filling it, eventually it will be full. This crisis of finitude, or crisis of closure as it might be called, has been sneaking up on the human race in the 20th century because of an enormous increase in the rate of filling the bottle. The first environmental excitement, or premonition of closure, came in the United States in the 1900s, associated with the name of a Governor Pinchot and Teddy Roosevelt. The present excitement, in which we suddenly have a strong sense of finitude, has not been relieved but accentuated by the space enterprise. We have seen our own beautiful blue and white planet and we suddenly come to realize that it is the only decent bit of real estate in a very long way. The astronauts discovered not new worlds for expansion but new deserts, more forbidding and costly to live in than any desert on earth.

The trouble with the doomsayers, however, and this has been the trouble with them for a long time, is that development is not a matter of filling a rigid bottle but an expansible one which expands as it is filled. The process is more like filling a rubber balloon than a bottle. Furthermore, natural resources are not something fixed, but are a function of human knowledge, which is expanding into a very large niche of the collective human nervous system. In the last 200 years we have almost certainly been increasing resources faster than we have been using them up. For a long time now the doomsayers have been disappointed and the wolf criers seem to have scared the wolves away. W. Stanley Jevons in the 1860s predicted the exhaustion of British coal resources in the 20th century, little dreaming of natural gas under the North Sea. Sir William Crooks in 1899 predicted mass starvation in the 20th century because of the exhaustion of Chilean nitrates, little dreaming of the Haber process developed in 1913 for the extraction of nitrogen from the air. Wolf crying, as the old story shows, is a dangerous business. It can easily destroy credibility, which is particularly dangerous when there is a real wolf somewhere in the forest. In this case, a real wolf there is that nobody can deny; his name is finitude, and his breath smells mighty bad. But though we hear him howling in the forest, we do not really know how far away he is.

Now the MIT computer comes along to tell us. The work derives from that of Jay Forrester of industrial dynamics fame, who is the high priest of computerized dynamic systems and a sworn foe of casually intuitive images of the

To *The Rulers*

We read and hear about you every day,
What you decide we need, or want, or may
Be made to stand still for. . . . Now let us pray.

Approaching the year One Thousand of Your Lord,
Men fixed that date for the ending of the world;
Truth and round numbers naturally in accord.

One of society's earlier ego trips,
That hinted only this to Your Lordships:
A calendar implies apocalypse.

That passed. And all the reborn skeptics smiled
Over such fancies as could have beguiled
No one who was not but a simple child.

Now, as we near the next millennium,
Reality's caught up with Kingdom Come—
Why wait two dozen years to round the sum?

O Conscript Fathers, sponsors of the draft,
Prospective survivors on the little raft
That when the world sinks will be what is left,

I hear you praying, as your fingers trill
Unnervingly at night beside the pill,
The button, the hot line to the Other Will,

Your prayer, that used to be Caligula's too,
If they all only had one neck . . . It's so
Unnecessary and out of date. We do.

Howard Nemerov

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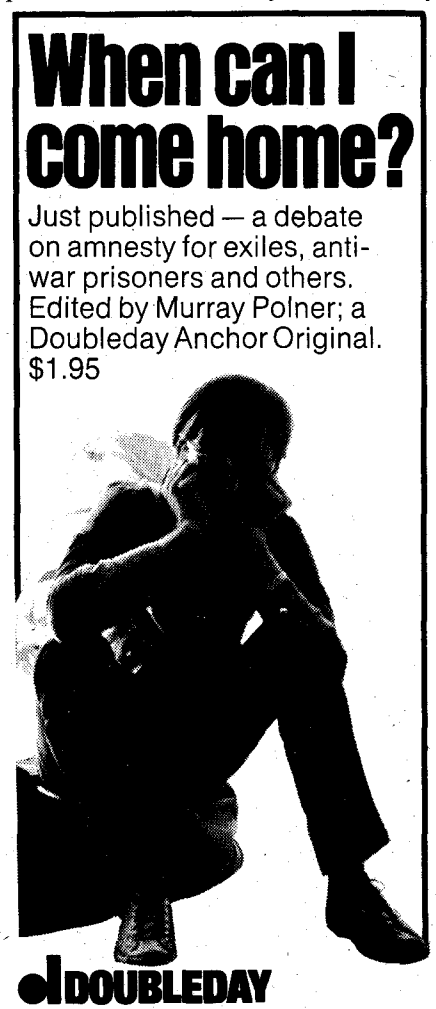
future. That the future is frequently counterintuitive can be attested by anybody who has been surprised by it. On the other hand the systems represented in this volume could unkindly be called "under-the-counter-intuitive," on the grounds that they depend on parameters which are not revealed clearly to the reader but which also seem frequently to have been picked out of the air in a highly intuitive manner. Whether intuitive parameters are superior to intuitive futures, I am not sure. Computer models can do no more than spell out the implications of their own assumptions. The explicit assumptions of the present volume, however, are going to be revealed later and it is certainly a weakness of the study that they were not at least put into an appendix where they could be judged openly. The famous Gigo principle (garbage in, garbage out) applies as much to these projections as it does to any other computer process. Not that all these inputs of these models are garbage; some of them are highly plausible. Nevertheless we do need to know exactly what the inputs are and we need to know, what is a little harder with computer operations, exactly why the inputs produce the results they do. I did my statistics in the medieval times of hand-cranked computers, then called calculating machines, but I recall vividly my teacher, the late Henry Schultz of Chicago, commiserating with us on this arithmetical slavery and excusing it by saying, "Well, at least you got familiar with the data," which we certainly did. Now, of course, the computer gets familiar with the data, but the operator does not. This is one of the major external diseconomies of the computer era.

The system that is presented in this volume has 5 major variables: population, pollution, resources, industrial output per capita, and food per capita; all these on a world scale and without any consideration of regional differences. In all the models population rises until it is checked by something, either by resource exhaustion or by increase in pollution, food shortages, soil erosion, and so on. In all the models, also, population overshoots any conceivable long-run equilibrium, so that the peak is followed by a disastrous trough. Even in the most optimistic models, where population is rapidly stabilized and optimistic assumptions made about resources, pollution, and agricultural productivity, there is still an irreducible element in resource exhaustion, and we are in serious trouble before the end of the 21st century. In all the models doomsday occurs at some time in the 21st century, earlier on the pessimistic assumptions and not much later on the optimistic assumptions.

Make no mistake about it, there is a real wolf in these woods. A number of us have been proclaiming for many years the wolf's existence and we must be grateful to the Club of Rome for howling about it in a more dramatic, and, one hopes, more convincing way than the rest of us wolf-criers have been able to do. Nevertheless, there is still a danger that this is not the right wolf. What is missing from all these models is man himself, especially his learning capacity, his adaptability and the extraordinary, large niche of his central nervous system. Almost the only source for optimism in the present situation is the fact that the capacity of the human nervous system seems far from having been exhausted. It is doubtful whether we use more than around 10 percent of it. The human nervous system is also a niche and has limits, but we are still a very long way from the biological boundaries which eventually will limit the human learning process. A development by no means off the human agenda in the next 50 or 100 years would be the development of an explicit understanding of the learning process, which would turn education from the craft industry which it now is, where there has been very little development for two or three thousand years, into an operation that could expand very rapidly the complexity and realism of man's own image of himself and his environment, and render all present predictions obsolete. It would upset every parameter in the social system, and something even far short of this but in the same direction might easily be enough to kill the wolf and permit us to make a transition into a reasonably agreeable spaceship earth.

While I am prepared to send out for a wolf-tamer and would not wish the reader to go away with the sense of unrelieved gloom, nevertheless, in all honesty I must confess that there are a lot more wolves than the lone wolf howling in this volume. The very global nature of the model prevents an examination of the structural problems on the planet and especially the division of the world into rich areas and poor. Naive growthmanship supposes that the poor three-quarters of the world can get as rich as the rich quarter by following the same patterns of economic growth. The wolf of the Club of Rome throws grave doubts on this naive optimism; yet the Club's model does not involve any analysis of even a two-part world. One is tempted to call the two worlds Romulus and Remus; Romulus is Rome, which stands for the rich Temperate Zone; Remus is the poor twin of the tropical world, coming late to the feast, for whom there may simply not be enough milk. There is, indeed, a nightmarish scenario in which Romulus, secure behind his technology and his weaponry, simply pushes Remus over the cliff. There is an even worse scenario in which Romulus tries to help Remus by sharing the milk with him, with the result that they both perish. Here is a counter-intuitive system straight out of Malthus and the English classical economists, that any help given to the poor merely serves to increase the quantity of poverty. One wonders almost if the most cheerful scenario is not the one in which an artificial virus gets out of the molecular biology labs and kills off all but the healthiest and happiest segment of the human race. I had better stop before I break out into Miltonian verse.

Kenneth E. Boulding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Just published — a debate on amnesty for exiles, anti-war prisoners and others. Edited by Murray Polner; a Doubleday Anchor Original. $1.95
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Who Is That Voter Out There?

Spiro Agnew's America. The Vice-President and The Politics of Suburbia by Theo Lippman, Jr.

(Norton; $7.95)

More than one-third of this country's population now lives in suburbia and it is Theo Lippman's thesis in this always interesting and thoughtful study that they will soon become the new centers of political power and that men such as Spiro Agnew are its first representative and successful political products. In the coming contest for suburban hegemony Lippman, a *Baltimore Sun* editorial writer, believes the Republican Party more likely to develop a strategy that speaks the language of the suburban voter. "Politicians like Agnew . . . are men raised in one-class, one-race neighborhoods, politically trained in nearly one-class, one-race communities, and elected to state, then national office by a suburban bloc."

In support of this view, Lippman looks back at Agnew's record as county executive of suburban Baltimore County and gives him a good grade. During his term of office in the early 1960s Agnew favored a mild version of metropolitan open housing—while virtually no one else in suburban authority, then or now, did—pushed vigorously for a gun-control law and was beaten, opposed political activity by cops and firemen and "of all the suburban political leaders in the metropolitan area, only Agnew expressed sympathy and understanding for the city in this period." At one point he proposed regional assistance to the cities, one of the necessary requisites toward slowing up the decline of the American large city. In retrospect then, as a county executive, Agnew was less an inciter of ugly emotionalism than a well-meaning centrist attempting to act in ways he believed morally and legally right while others elsewhere meekly bent to "realities."

What happened to him afterwards is essentially the story of the transformation of many others, urban and suburban, during the storms of the last decade. The complications of race and the insistent demands for equality confused him, probably even frightened him, and he acted at times thoughtlessly, especially after the assassination of Dr. King. Civil disobedience was far too complex for him to cope with. He began to pursue his now familiar theme that there are, as Lippman writes, "evil men as well as evil conditions and that the former were the greater menace." As the real problems of cities versus suburbs and the tough resolutions they might require dawned on suburban property-holders, Agnew and other political leaders lost interest in rescue operations.

Still, to what extent do people like the Vice President "represent" the tens of millions in suburbia? And just who is that voter out there? Here may lie the ultimate weakness of Agnew's national appeal and this book's central flaw. Suburbia is issue-oriented, as Agnew himself recognized while county executive and governor; it is by no means "one-class and one-race" and, by implication, monolithic in motivation and response. It may have seemed so to its early students, who found conformity in every cape cod development, but newer evidence tells us that the suburbs are as varied as the cities and can

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hardly be considered as a "bloc." Not only are they not exclusively all upper and middle income and lily white but their very composition differs widely. Old established suburbs contrast sharply with academic suburbs and workingmen developments are different from white collar Levittowns. There are black, Jewish, Democratic and even largely Civil Service suburbs.

Many of them have a good deal in common. Some are so fragmented that they lack any sense of community identification. Most refuse to offer any hand to beleaguered cities. More and more are becoming independent of their mother city because of turnpike development and the intensive recruitment of industry. But there is no evidence that their voters, including their newly emancipated young, have any special allegiance to either political party or to any style of leadership.

Some suburban voters pull down the lever they do because of the influence of their new environment and the new concerns it brings to them. Others, arriving from the city, bring their party loyalties with them. It would seem, however, that most suburban voters simply reflect national trends, or in other words cannot be measured politically by their place of residence except where issues directly impinge on their daily lives. One recent study concluded that of America's suburbs "one-half were clearly Republican, one-third Democratic, and the remainder were competitive."

At the very least then, the appeal of provocative, polarizing, intemperate rhetoric to the suburban voter may be considerably limited. Agnew no more "represents" that America than do his liberal counterparts. "It depends on the issues and answers that will emerge" says one old saw. But it also depends heavily on the degree to which America can heal its wounds of the 1960s. If Spiro Agnew succeeds politically it will be because he is resilient and independent and not because of suburbia's predictability. He is against welfare reform, against Nixon's China policy—and the "effete intellectual snobs" speech was his own. In 1976, he may be compelled to take positions designed to appeal to different constituencies. Hence his future, like that of the mushrooming suburbs, cannot be forecast.

Murray Polner

The Capacity for Soaring

"Isak Dinesen" and Karen Blixen: The Mask and the Reality by Donald Hannah

(Random House; $7.95)

For Isak Dinesen, the key to existence, the principle of the universe itself, was imagination, and she herself had it so opulently that her tales read like one constant exaltation. The great quality of her spirit, as of her prose, is *ballon*, "which means," as she said, "the capacity for soaring."

Experiencing a sort of modal repulsion for modern Europe—above all from the leaden Unitarianism and morality of her mother's relatives—she fled, as if from the force of gravity itself, to a coffee farm 9000 feet up in Kenya, an aerie from which "everything that you saw made for greatness and freedom." Here among the haughty Somali, under the big firmament, on "the roof of the world" and in the presence of God's most imaginative creatures, such as "Sister Giraffe, the which is an ambler, full of grace, exceedingly demure and absent-minded, and carries her small head high above the grass, with long lashes to her veiled eyes, and which is so much a lady that one refrains from thinking of her legs"—here on all sides was confirmed what wild glimpses of her Danish childhood had told her, that the noblest end of man is the love of the great and the beautiful, especially the "burning love of his own soul."

When she lost her farm and returned to Denmark, she replaced Africa with her own art, remaining, as it were, 9000 feet up. And if she turned toward Europe's past it was because, for the imagination, 150 years back was as free and noble a place as Kenya. To the bleak bourgeois and democratic shores of the 20th century she brought the surf dance of aristocratic wit, all the elegance of the 18th—and, from farther out still, the ground swell of tragedy, of gallantry and fortitude, as old as the Greeks. Magnificently, she wrote as if in disdain of those who need help to recognize that existence is a privilege—though this help she gives. She wrote, also, the most exhilarating English prose since Mansfield's stories, Lawrence's letters, Virginia Woolf's diaries—a prose painterly and delicate yet alive as a flag in the wind. No wonder those who write about her usually do so in a happy murmur, like bees at a flowering almond.

This new study by Donald Hannah, a Danish professor, is, alas, too dry to be a happy murmur. Like a great many academic studies, it is useful only in containing a few grains of insight among the chaff. Chaff is, for instance, the book's thesis that the connection between "the mask of Isak Dinesen," so "distant and unapproachable," and the "living woman," reputed so warm and gay, is a mystery that needs a book to explain it—as if the one were not merely an elevation and concentration of the other. And sheer, tautological, anticlimactic chaff is Hannah's explanation itself: "'A storyteller'; this was the *persona* she assumed and the mask she donned in public."

On "The Roads round Pisa" and "The Deluge at Norderney" I find Hannah helpful; on "The Dreamers," confused. But on the other stories he sheds neither cloud nor light. The merit of the volume—apart from its appendix, a sprightly metatheatrical marionette comedy that Dinesen wrote at 17—lies in its italicization of certain traits of her storytelling: for instance, that "she does not so much portray a character, as design a role"; that "the formal, elaborate qualities of her dialogue originate partly from the fact that it is written for an actor to declaim deliberately and self-consciously"; and that "the attention of her characters is fixed upon no one so much

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as upon themselves, and they are chiefly engaged in pondering aloud upon the significance of their parts."

It is her love for the soul, I think, that accounts for these traits. The self-questioning of Dinesen's characters is often only the Emperor's anxiety that his clothes may, after all, be invisible. If Dinesen's imagination is deliberately elegant and proud, it is in order to make its own worthy sound amidst the "tremendous retort of earth and air." She was always ready to admit that the Universe is by far the greatest artist. "I might have invented the long grass," observes the painter in *Ehrengard*, "—but could I have invented the dew? I might have invented the dusk, but could I have invented the stars?"

There are, then, in Hannah's book, grains to bear away, to cultivate. And one thing more: Hannah rights the balance a little upset by Robert Langbaum —whose *Gayety of Vision*, however, remains the best book on Dinesen. Langbaum's storyteller is comic and pastoral, with the mountain laughter and loveliness of *Ehrengard*. Or she is romantic, enjoying, like the late Shakespeare, "the naive view of a child or primitive who sees a story as neither tragic nor comic but as marvelous." Hannah's Dinesen, by contrast, is tragic. Behind all her stories, he says, lies her "unshakable conviction that everything that lives must suffer and that this, far from being a cause for complaint, is even a matter of grace." For out of it spring pride, courage, "an idea in life"—in a word, human greatness.

Dinesen was all of these things. She loved life, but she loved greatness, both God's and man's, even more, and thus found death and tragedy to her taste as a backdrop to the soul in love with its own gallantry and honor. Then, too, she had the frightening knowledge—though evidently it did not frighten *her*—that to desire life hard enough is to want to "melt and dissolve," like her own Peter and Rosa, "into some unknown, salt flow of delight"; it is to want to die. So she wrote on that high roof of sensibility where gay pastoral and tragedy, tossed about, keep flickering in each other's stead.

The great truth of desire, the great nobility of valor: these were her subjects and songs—these and the one inclusive theme of her work, the wisdom of destiny. And if in an age of the novel she instinctively turned to the "tale," the reason was that in the tale, with its compactness and profound indifference to personality, the soul can celebrate, in a charged atmosphere of mystery, both its longing for life and its pride before the destiny that corners it.

Not that personality is absent from Dinesen's work. Significantly, her stories are somewhat fuller than classic tales—so that the tales of traditional type set within them seem mere seed pearls by comparison. The truth is that her love of particularity in landscape and human scene, her spirit of freedom and play, could not rest content with the bedrock bareness of tales. Nor can the love aroused by her work be accounted for primarily by either her craftsmanship, spiritedly elegant as this is, or her instruction, which is often hard to dig out. We must look instead, as Hannah does not seem to want us to do, to the presence of her warm, witty, and extraordinarily noble personality.

Calvin Bedient

Notes on Contributors

Doris Grumbach *has published a book of criticism on Mary McCarthy and three novels.* Kenneth E. Boulding *teaches economics at the Institute of Behavioral Science at the University of Colorado.* Howard Nemerov's *latest book,* Reflexions on Poetry & Poetics, *is soon to be published by Rutgers Univ. Press.* Murray Polner's When Can I Come Home? *has just been published by Anchor.* Calvin Bedient's *latest book is* Architects of the Self: George Eliot, D. H. Lawrence and E. M. Forster *(Univ. of California Press).*

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Rejuvenating an Old Cause

A Populist Manifesto: The Making of a New Majority by Jack Newfield and Jeff Greenfield

(Praeger; $5.95)

The scents of "tame the trusts" and "soak the rich" are suddenly wafting again through the political air, and it's about time. The wonder is that they took so long to reescape from a long-closed pantry. That the '70s can, and should, be different is the argument of Jack Newfield and Jeff Greenfield in *A Populist Manifesto*. Though it dabbles in economic and social analysis, this is above all a political book. Its basic thesis is that a political majority can be built by rallying workers, minorities and young people around a banner that reads: "Some institutions and people have too much money and power, most people have too little, and the first priority of politics must be to redress that imbalance." A number of politicians (Reuben Askew, Fred Harris, Henry Howell) have already seized the banner. Others are sliding towards it (the hottest issue in the primaries, after busing, is now tax reform). Still others will be persuaded by this book.

What are the concrete issues and programs that can unite, rather than divide, low- and moderate-income people in America? Newfield and Greenfield outline dozens, including free medical care for everyone, a 90 percent tax on inheritance and estates, public ownership of utilities, new laws against industrial concentration, cable TV franchises for minorities, land reform, and strict controls on bank profits. Others could be added—public financing of political campaigns, federal chartering of corporations, public or cooperative ownership of industries other than utilities—but the general objective is clear: to change our political and economic system from one that further enriches the rich and powerful to one that responds to the less-than-rich and not-so-powerful.

Few of these ideas are new or original, but at the present juncture of American politics they badly need to be restated and made sexy. This the authors (both young but experienced journalists and speechwriters) do extremely well. Especially titillating is their account of how banks and insurance companies use other people's hard-earned money to amass bounteous profits and power. Government regulation, of course, helps enormously, by (among other things) limiting the interest that banks can pay to depositors, but not the dividends they can pay to shareholders, or the salaries they can pay to executives.

Not everyone who reads *A Populist Manifesto*, even if he sympathizes with the authors on the issues, will agree with their political prognosis. After all, we've just had one book (Kevin Phillips' *The Emerging Republican Majority)* proving that the political majority of the future is on the right, another (Richard Scammon and Benjamin Wattenberg's *The Real Majority)* insisting that it's in the center, and now here come Newfield and Greenfield to tell us that it's really on the left. Each of these tomes cites statistics, polls and portents, so whom are we to believe?

My own answer, not being an expert psephologist (Scammon and Wattenberg's pseudoscientific term for Wednesday morning quarterbacks), is that the future is up for grabs, that it can go either left or right or hew to the middle, depending upon events and how citizens and politicians respond to them. This is not merely to state the obvious, since I don't think a leftist opportunity existed a few years ago. If the future is in fact up for grabs, the operative question then becomes: what can be done to build a majority capable of moving for economic justice? The two most important tasks, in my mind, are (1) raising consciousness, as Nader's Raiders and the women's movement have done, each in its own way; and (2) organizing the unorganized. Electoral successes may then follow, leaving the even tougher job of converting victories at the polls into the kind of genuine structural reforms proposed by Newfield, Greenfield and others.

The actual implementation of populist-style reforms would, needless to say, not please everyone. Newfield and Greenfield list some of the persons who would suffer: "Stockholders would have less money from their holdings. The top 5 to 20 percent income-earners and wealth-holders would find their tax bills sharply increased; and summer homes and European vacations would be more difficult to achieve. Some respected citizens would be indicted and convicted of criminal offenses. . . . General Motors wouldn't be nearly as big and powerful as it is today; the Rockefeller Foundation would have less money to do 'good works' with. . . . Craft unions wouldn't be allowed to keep out blacks or hold down the labor supply. . . . Congressmen would be under far closer scrutiny than they are now; and business and professional people would be eating a lot fewer expense account meals." The authors themselves would be among those to incur losses ("Both of us have comfortable incomes, both of us have access to people with power"), but they profess willingness to do so in the interest of redistributive justice. Had liberals in the '60s been as willing to swallow medicine they were prescribing for others, the reaction against them—particularly on the issue of school integration—might not be so intense.

Populism, of course, is no panacea, and it has had nasty ramifications in the past in the form of anti-intellectualism, racism, and hostility toward Catholics and Jews. Some critics of Newfield and Greenfield (*e.g.*, Joseph Kraft in *The New York Times Book Review)* have seized on the know-nothing tendencies of 19th- and early 20th-century populism to caution against a reemergence in the 1970s. To which Newfield and Greenfield have two responses: first, that racist demagoguery was never an authentic form of populism, since one of populism's cardinal tenets is that poor whites and blacks should unite against their common exploiters. And second, that with guys like George Wallace already running around, the development of an authentic populist consciousness, far from being a spur to the baser impulses, is probably the most effective antidote.

Peter Barnes

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In Brief

The Dream Team
by Joe McGinniss

(Random House; $5.95)

After six months of selling *The Selling of the President* Joe McGinniss was so tired that he rented a big old farmhouse in Pennsylvania and sat with his feet up on the porch while the royalties piled up in the bank. A bit later he moved to Connecticut and began to work on a novel. So here is the novel, with a young newspaperman for a narrator whose first book has just gone over the 150,000 mark and who has been exhausting himself on the road promoting it for four months. Otherwise it's about horse racing. A light book that reads well and will probably get the Hollywood treatment—Hialeah, handsome horses thundering out of a curve, Jennifer in and out of hot pants. What are Ryan O'Neal and Barbara Streisand doing?

But Not on *Our* Block
by Henry Viscardi, Jr.

(Ericksson; $6.95)

We believe, say the neighbors, in these people's right to be wholly functioning human beings, to have an education and equal opportunity for employment in the community, but we don't want to have to be personally confronted by them every day—not on *our* block. The neighbors are upper-middle-class residents of Albertson, Long Island; those whom they oppose are the physically disabled of an employment, educational and research center known collectively as the Human Resources Center, and involving people from age 3 to 85.

The struggle has been going on for 15 years, since the first building of the center was proposed. At each step there has been well-organized opposition, but founder and head Henry Viscardi, himself disabled, continues to face it with compassion and determination: "I am talking about the tentacles of fear and distrust, of a festering new personal isolationism that has become a hallmark of too many of the new suburbs in our country today. . . . I write of these perilous areas because I am convinced we must begin to understand them—and to change their directions—before we are too late." Without the center's facilities many of the people might never see the world outside their bedroom, yet with it they can be educated, trained to care for themselves and their own families, and learn a trade by which they can support themselves as fully participating members of a community. Research, too, is being carried on at the center, to train teachers and develop methods of education and rehabilitation so that other centers can be established and equipped with knowledgeable personnel.

The story is a personal one for Mr. Viscardi, who must not only patiently fight against the prejudice his school arouses, but must also decide whether to nationalize and politicize the fight for his people by running for Congress. Although the latter is a flattering proposition from New York Republican leaders, including Gov. Rockefeller, the stronger compulsion is to see his school's expansion through, however long that may take.

Goad Press, publisher of first works of Ferlinghetti, Creeley, Charles Olsen, will return to publication of poetry for Fall, 1972, with 20 poems of **Joshua Roland.** Mr. Roland is a young San Francisco poet of great promise. His book, **"Gathering the Decade"** will retail for $12.50. The printer is Grabhorn Press of San Francisco and we expect this book to become a collector's prize.

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800,000,000: The Real China by Ross Terrill

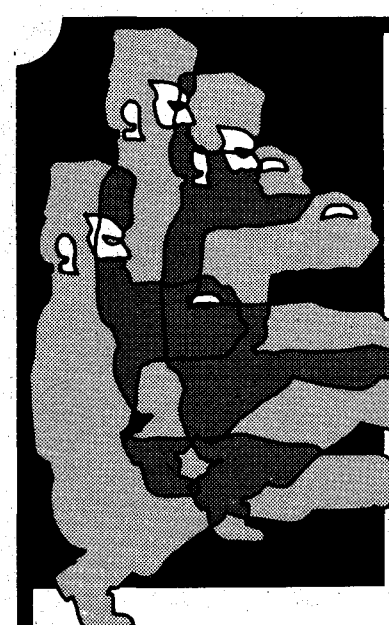
(Atlantic/Little, Brown; $7.95)

Ross Terrill is a relatively young (33) Australian with an impressive array of skills. He first visited China for two weeks in 1964. In 1971 he went as "journalist and scholar" with E. Gough Whitlam, leader of the Australian Labor Party, on an official visit which provided access to leading Chinese, including Chou En-lai. In addition to knowledge of the language and training at Harvard where he is presently on the faculty of government, Terrill is an exceptionally gifted writer. He is also an avowed social democrat who can empathize with Mao Tse-tung's grand social design while criticizing its seeming regimentation of thought and action.

The title of his book is unfortunate, especially since its lack of accuracy and modesty is uncharacteristic of the book's insides. No one outside of China knows the population within 25 million, plus or minus, and no one in China publicly admits to 800,000,000 people. Least of all is this "the real China." Despite the freedom to stroll about and talk with persons at random, 40 days through 7 cities in six provinces would not suffice for a native, much less a foreigner on a guided tour. Following a well-worn path from Canton to Peking, Shanghai, Nanking, Sian, Yenan, and Changsha, Terrill saw neither the old industrial base in Manchuria nor the new one in northwest China. He did not visit the interior or the southwest, missing such major areas as Szechuan, Sinkiang, Tibet, and Yunnan. He spent relatively little time in the countryside where 85 percent of the population still labors and lives.

Nor does the book offer the encyclopedic detail of the late Edgar Snow. Instead Terrill focuses more on anecdotal atmosphere and the human dimension of education, theater, and daily living. Here he does excel, however, conveying the complexity of Mao's China in provocative perspective. He comes as a welcome relief after the welter of simplistic and superficial judgments from many of those who accompanied the President on his trip to China. Terrill's 1971 visit coincided with that of Henry Kissinger and while he offers little fresh insight on the President's visit he does provide tantalizing clues to North Vietnamese nervousness over Sino-American relations. His Chinese contacts suggested a definite preference for Democrats over Republicans, allegedly because of the formers' propensity to seek negotiations with Moscow. At the same time he notes correctly that had President Nixon not jumped quickly to announce his trip Senators Muskie, McGovern, and Kennedy would all quite likely have been to Peking ahead of him. Interesting inferences on the "peaceful liberation" of Taiwan also emerge.

He attempts no final answers. He understands the subtlety of Chinese communications and thought but avoids trying to read men's minds. He recognizes much depends on how long Mao lives and what leadership succeeds him. No one with an interest in contemporary China can fail to find this an informative and illuminating study of the most massive yet elusive social experiment in modern history.



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The Great School Legend by Colin Greer

(Basic Books; $6.95)

The thesis of Colin Greer (Director of the University Without Walls in the City University of New York) is that "house historians" of education have for years accepted as fact what is in fact a myth: that American public schools were instrumental in the assimilation, and eventual economic success, of America's immigrants. The acceptance of this myth, in the face of the schools' visible failure to do the same for Puerto Ricans, Chicanos, and blacks, led to false and wasteful educational approaches to the problems of those minority groups.

Greer's analysis takes the form, first, of several highly generalized chapters analyzing recent influential historians —E. P. Cubberley, Lawrence Cremin, and Bernard Bailyn. He then becomes more concrete with an examination of numerous reports on public schools compiled by and for the systems of large cities—New York, Boston, Philadelphia, Cleveland, Detroit, *et al.*—where immigrants settled in large numbers, and studies of immigrant life in those cities.

Though he faults other historians for

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reporting ideals as practices, Greer himself rarely touches on actual classroom practice. Consequently his work is an abstract version of material covered more vividly in Chapter III of Charles Silberman's 1970 volume, *Crisis in the Classroom*.

Moreover, Greer is careless in his documentation, quoting passages from pages in Cubberley where those passages don't appear, giving wrong page numbers for quotations, and misinterpreting Cremin by omitting the context of quotations.

Finally, he measures school success largely in terms of lasting the route, or in economic terms of getting a job (using what the student learned in school) and moving upward in society. There is inadequate treatment of exclusionary attitudes toward the poor by the middle-class oriented teachers and administrators, or of the psychological effect upon poor, immigrant children of these attitudes. Again, Silberman excels by extending the measurement to include the student's sense of his own success or failure, a sense created in part by his inclusion or exclusion within the classroom.

Kauffmann, *from page 24*

to calibrate its actions by the ethics of the outlaw and the outcast. Its world is the society of London pickpockets, whores, fences, and highwaymen. Gay used it for mirror-image political satire, no longer important, but the play lives because if you put another society out front, the mirror reflects it just as truly.

Its mirth is that of people who have seen through hypocrisy, who have nothing to lose but their lives, which might just as well be lost in fun as in exploitation by others. Their difference from, say, the beasts in *The Godfather* is that these people are laughing about their lives while they can. The *Godfather* people are sober hypocrites themselves, merchandising a bloody morality.

Gay took a lot of familiar tunes, many of them from the Italian operas that were then the London rage, and wrote his own lyrics to them; so his audience had an additional sense of burlesque that we miss. But we get the lovely tunes just the same, and all of the scintillating verses. It's the music that lifts this CTC production far above any of theirs that I've seen. The score has been "newly realized" by Ryan Edwards, which I guess means newly orchestrated—very well, too; and the six players are well directed by Roland Gagnon, himself at the keyboard. All the voices are at least adequate, some better than that.

Musical plays, when the music is good and well-done, make weakish groups look better: because the music itself lends an underpinning of spirit, and the "inflections" and pacing are relatively foreordained. But when these actors are acting, they are on their own, which is often not enough. Gordon Connell and Jeanne Arnold, as Mr. and Mrs. Peachum, Reid Shelton as Lockit, have good rusty crusty flavor, but Kathleen Widdoes is possibly the first neurotic Polly Peachum, Marilyn Sokol is a Lucy Lockit who has just stepped off the BMT, and Stephen D. Newman, a vocally acceptable Macheath, is not a credible lady-killer.

Gene Lesser directed, avid for gusto and bawdiness, so there is much grabbing of crotches and bosoms, even a little urinating. John Gay is not Marivaux, and elegance is not what's wanted; but, typographically speaking, Lesser's work consists entirely of italics and exclamation marks. His work seems especially crude alongside the nicely turned music of Messrs. Edwards and Gagnon.

There are two sorts of people who should not see *Sugar:* those who have seen *Some Like It Hot* and those who haven't. The former will blur their memories of the wonderful picture on which this show is based; the latter may be put off from seeing the picture.

First, this is one of the ugliest Broadway super-productions I've ever seen. Reportedly a million and a quarter dollars were spent on it—much of it on Robin Wagner's crude sets and Alvin Colt's dumb costumes. The songs by Jules Styne and Bob Merrill sound as if they had been composed in the lounge of the Shubert, New Haven, during the try-out, while the cast and director were waiting impatiently. That director, Gower Champion, shows nothing here but a memory of '30s routines, with no trace of new vitality or old camp. The book by Peter Stone has some very funny lines by Billy Wilder and I.A.L. Diamond who wrote the picture's superb screenplay. The rest of the dialogue sinks like Stone's.

Elaine Joyce has the job of erasing Marilyn Monroe from our minds, which is impossible, but couldn't they have found a girl with *some* personality? Cyril Ritchard, in an Anglicized version of Joe E. Brown's playboy millionaire, confirms that he long ago changed from a slick performer to an ass. Tony Roberts, in the Tony Curtis role, is a summer-theater comic. The real disappointment is Robert Morse, an extremely gifted comedian, who has the Jack Lemmon part. On the second night, Morse was just walking through.

The film, about two musicians chased by gangsters who hide out in an all-girl band, grows as a marvelous farce every time I see it (and I show it every year in a film course). This barnacle of a show is now fastened to the side of a swift successful craft. Theater people should remember a new old maxim: If at first you do succeed, why try, try again?

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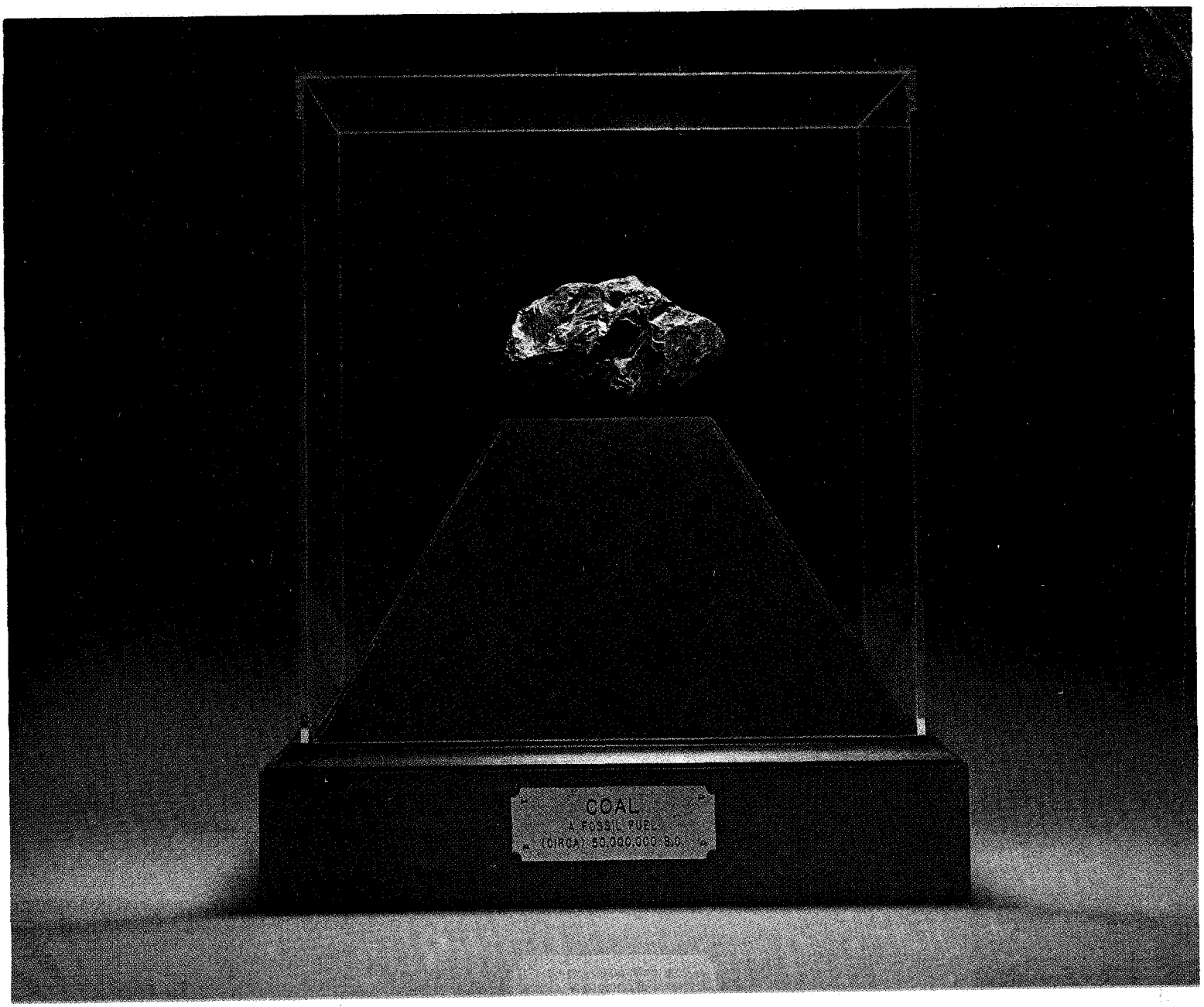

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